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

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

### *Summary*

During the period under review, the Independent International Commission of Inquiry on the Syrian Arab Republic continued to document pervasive violations of human rights and humanitarian law across the country. The conflict intensified across several front lines, with devastating consequences for civilians. Government forces used cluster munitions on a densely populated displacement camp in Idlib, while children were preparing for school, killing at least 7 civilians and injuring at least 60 others. A rocket attack killed 16 civilians and injured 29 others in the city of Bab in the eastern countryside of Aleppo. Insecurity persisted across government-controlled areas, notably in the south, with unabating clashes and targeted killings. Arbitrary arrests, disappearances and deaths in detention continued, while harassment, extortion and other violations prevailed. Civilians in Afrin and Idlib – including those expressing critical views – were also subjected to arbitrary and incommunicado detention, and some were detained in a manner tantamount to enforced disappearance. In the north-east, approximately 56,000 people, mainly women and children, remained interned in camps in appalling conditions. Sexual and gender-based violence continued countrywide, against the framework of legislation failing to effectively criminalize such violence. More than 13 million people are displaced or refugees at a time when 90 per cent of all Syrian civilians live in poverty, and 15.3 million are estimated to require humanitarian assistance to survive, the highest level of people in need since the start of the conflict.

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\* Second reissuance for technical reasons on 15 May 2023.

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

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



## I. Mandate and methodology

1. In the present report, submitted pursuant to Human Rights Council resolution 49/27, the Independent International Commission of Inquiry on the Syrian Arab Republic<sup>1</sup> submits its findings covering the period between 1 July and 31 December 2022.
2. Pursuant to its established methodology and guided by standard practices of commissions of inquiry and human rights investigations, the Commission relied primarily on 467 first-hand interviews, conducted in person and remotely. Documents, reports, photographs, videos and satellite imagery from multiple sources were collected and analysed.<sup>2</sup> Communications from Governments and non-governmental organizations were taken into consideration, as were reports of the United Nations. The Commission also requested, in writing and during meetings, information on incidents, events and developments from the Government of the Syrian Arab Republic, parties to the conflict and States Members of the United Nations.<sup>3</sup> The standard of proof was considered to be met when the Commission had reasonable grounds to believe that incidents occurred as described, and, where possible, that violations were committed by the identified party. Further, when the Commission has reasonable grounds to believe that conduct that would entail individual criminal responsibility has occurred, it generally attributes such conduct to a party to the conflict, as the Commission itself is not a judicial or quasi-judicial entity and therefore does not make determinations in its reports concerning the alleged criminal conduct of specific individuals.
3. The Commission's investigations remain curtailed by the denial of access to the country and by protection concerns in relation to interviewees. In all cases, the Commission remained guided by the principle of "do no harm".
4. The Commission thanks all who provided information, in particular victims and witnesses.

## II. Political and military developments

5. Over the past six months, the conflict in the Syrian Arab Republic<sup>4</sup> intensified across multiple front lines (see annex III), demonstrating the continued risk of military escalation across the country. While the March 2020 front lines largely persisted (see annex II), internal and regional dynamics displayed potential to alter the fragile status quo and may result in further civilian casualties, displacement and violence.
6. A credible political process remained lacking, which the Special Envoy of the Secretary-General for Syria, Geir Pedersen, warned would promote further conflict and instability.<sup>5</sup> The Constitutional Committee was unable to convene for a ninth round of talks. Other forums, including in the Astana format, also produced no notable progress.
7. Meanwhile, humanitarian aid continued to be politicized. While the cross-border aid mechanism, which delivers aid to 2.4 million people, was renewed by the Security Council

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<sup>1</sup> The commissioners are Paulo Sérgio Pinheiro (Chair), Hanny Megally and Lynn Welchman.

<sup>2</sup> The Government of the Syrian Arab Republic periodically addresses identical letters to the Secretary-General, the President of the Security Council and others in relation to situations of concern. The Commission analysed 10 such letters submitted by the Government between 1 July and 31 December 2022.

<sup>3</sup> In a communication dated 10 November, the Commission sought information from the Government of the Syrian Arab Republic on issues and incidents (see annex VII), but received no reply. The Commission also addressed 10 requests for information to other parties to the conflict and other States Members of the United Nations, and is thankful for the responses received and other exchanges.

<sup>4</sup> For a general map of the country, see annex I.

<sup>5</sup> See [https://specialenvoysyria.unmissions.org/sites/default/files/2022-11-29\\_secco\\_un\\_special\\_envoy\\_for\\_syria\\_mr\\_geir\\_o\\_pedersen\\_briefing\\_as\\_delivered\\_0.pdf](https://specialenvoysyria.unmissions.org/sites/default/files/2022-11-29_secco_un_special_envoy_for_syria_mr_geir_o_pedersen_briefing_as_delivered_0.pdf).

on 9 January 2023,<sup>6</sup> the Commission reiterated that considerations surrounding the next renewal decision, due on 10 July 2023, must be guided only by a transparent and impartial humanitarian assessment of population needs.<sup>7</sup>

8. Humanitarian imperatives are particularly critical at a time when 90 per cent of civilians in the country live in poverty, and it is estimated that over 15.3 million people will require humanitarian assistance in 2023, compared to 14.6 million in 2022.<sup>8</sup> This is the highest level of people in need since the beginning of the crisis. In addition, a cholera epidemic continued.<sup>9</sup>

9. Amid a deepening economic crisis, widespread corruption and continuing crippling sanctions, some government officials and some non-State armed groups have increasingly resorted to extortion, detention, trafficking drugs, including Captagon,<sup>10</sup> and other illicit activities to raise funds.

10. The Syrian Arab Republic continues to face the world's largest displacement crisis, with more than 13 million people either displaced or living as refugees.<sup>11</sup> While many displaced persons subsist in appalling conditions in displacement camps, refugees remained increasingly under pressure from countries to which they had initially fled. Calls for their return, including in Lebanon and Türkiye,<sup>12</sup> continued amid security risks, the absence of a system to determine whether conditions for return meet United Nations protection thresholds (see paras. 62–70 below), and an increase in outward population movement.

11. Cuts in government subsidies and frequent power outages triggered demonstrations in various locations across the country, including in Suwayda' (see para. 49 below).

12. In the northern part of the country, mutual attacks increased between the Syrian Democratic Forces (SDF)<sup>13</sup> on one side and Türkiye and the Syrian National Army (SNA)<sup>14</sup> on the other. On 20 November, the Minister of National Defence of Türkiye announced the launch of Operation Claw-Sword, targeting sites in northern areas of the Syrian Arab Republic (and Iraq),<sup>15</sup> in response to an alleged terrorist bombing in Istanbul on 13 November (see para. 112 below). Amid increased speculation over a possible rapprochement between the governments of the Syrian Arab Republic and Türkiye, the defence ministers of those countries, and the Russian Federation, met in Moscow on 28 December for the first time since the start of the war, prompting demonstrations in parts of northern Syrian Arab Republic.

13. Instability also persisted in the southern Governorate of Dar'a (see sect. IV.B below), as killings and attacks continued to target civilians, members of the security apparatus, pro-government figures and "reconciled"<sup>16</sup> opposition fighters no longer participating in hostilities. Clashes between armed groups, including Da'esh, and pro-government forces also continued, amid attempts by government forces to consolidate control of certain areas,

<sup>6</sup> See resolution 2672 (2023), <https://press.un.org/en/2023/sc15168.doc.htm> and <https://www.ohchr.org/en/press-releases/2022/05/un-syria-commission-calls-security-council-ensure-live-saving-humanitarian>.

<sup>7</sup> See <https://www.ohchr.org/en/press-releases/2022/05/un-syria-commission-calls-security-council-ensure-live-saving-humanitarian>.

<sup>8</sup> S/2022/933, para. 3; and <https://reliefweb.int/report/syrian-arab-republic/under-secretary-general-humanitarian-affairs-and-emergency-relief-coordinator-mr-martin-griffiths-statement-security-council-briefing-syria-29-november-2022>.

<sup>9</sup> See <https://reliefweb.int/report/syrian-arab-republic/syrian-arab-republic-who-syria-situation-report-15-cholera-outbreak-29-november-2022>.

<sup>10</sup> See [https://www.unodc.org/res/wdr2022/MS/WDR22\\_Booklet\\_4.pdf](https://www.unodc.org/res/wdr2022/MS/WDR22_Booklet_4.pdf).

<sup>11</sup> See <https://www.unhcr.org/news/briefing/2022/3/623055174/eleven-years-mounting-challenges-push-displaced-syrians-brink.html>.

<sup>12</sup> See <https://twitter.com/LBpresidency/status/1283736213384560640?s=20&t=HTkc4q96CGbJDYthivj0ag> (in Arabic) and <https://tccb.gov.tr/assets/dosya/2022-09-20-bm-konusma.pdf>.

<sup>13</sup> A/HRC/46/54, para. 12.

<sup>14</sup> A/HRC/42/51, para. 16.

<sup>15</sup> See <https://twitter.com/tcsavunma/status/1594121676551344129> (in Turkish).

<sup>16</sup> On "reconciliation", see A/HRC/43/57, para. 72 and A/HRC/36/55, paras. 20–22.

including in Tafas. Government forces launched operations in October targeting Da'esh members in Dar'a, while, on 15 October, the group's leader, Abu al-Hassan al-Hashimi al-Qurayshi, was killed in Jasim.<sup>17</sup>

14. In the north-west, ground and aerial operations continued, causing civilian casualties and damage to civilian infrastructure, including food resources (see sect. IV.A below). Hay'at Tahrir al-Sham (HTS)<sup>18</sup> capitalized on infighting among SNA factions following the murder of an activist and his pregnant wife on 7 October (see para. 99 below) to make significant advances in Afrin in parts of northern Syrian Arab Republic. This prompted widespread protests in several cities followed by Turkish intervention seeking the withdrawal of HTS. This was the second attempt by HTS in recent months to expand its territorial control. It indicated the likely continuation of fighting between armed groups over swathes of territory and leverage and revenue drawn from checkpoints.

15. Days after HTS entered northern Aleppo, on 16 October, the Aerospace Defence Forces of the Russian Federation conducted air strikes on military targets in north Aleppo, including near Kafr Jannah, Qatima and western parts of I'zaz.

16. Israel reportedly conducted 15 strikes in Dayr-al-Zawr, Damascus, Homs, Hama and Ladhqiyyah Governorates, including on the Aleppo and Damascus international airports. In August, Iranian militias reportedly launched attacks near Tanf Garrison in southern Syrian Arab Republic and near the Green Village base in the north-east while the military of the United States of America said it had carried out air strikes in Dayr al-Zawr against facilities allegedly used by groups affiliated with the Islamic Revolutionary Guard Corps of the Islamic Republic of Iran.<sup>19</sup>

### III. Update on sexual and gender-based violence

17. In its resolution 50/19, the Human Rights Council requested the Commission to consider updating its report on sexual and gender-based violence.<sup>20</sup> Access to survivors of sexual and gender-based violence remains exceptionally limited, owing to stigmatization, protection concerns and the lack of safe shelters. Sexual and gender-based violence is therefore likely to be significantly underreported, but is widely perceived to have increased against the background of the continuing armed conflict, the plunging economy, the pandemic and massive population displacement.<sup>21</sup>

18. The Commission has found that rape and other forms of sexual violence occurring in government-controlled detention facilities amount to crimes against humanity and that members of armed groups, such as SNA and HTS, committed the war crime of rape and other forms of sexual violence (see also sections below).<sup>22</sup> Such violence continues to occur countrywide, against the framework of national legislation that fails to effectively criminalize domestic violence, marital rape and other forms of gender-based violence. Where they exist, provisions are not effectively implemented. Compounded by laws ensuring de facto immunity for State security agents perpetrating crimes, including rape and other forms of sexual violence,<sup>23</sup> the legal framework fails to effectively protect victims, including survivors, and constitutes a barrier to accountability.

<sup>17</sup> See, among others, <https://www.centcom.mil/MEDIA/PRESS-RELEASES/Press-Release-View/Article/3232259/death-of-isis-leader/>.

<sup>18</sup> The Commission continues to regard the group as a terrorist entity as designated by the Security Council in its resolution 2170 (2014), with links to Al-Qaida globally (see A/HRC/46/54, para. 7, footnote 13).

<sup>19</sup> See <https://www.centcom.mil/MEDIA/STATEMENTS/Statements-View/Article/3137354/statement-regarding-precision-strikes-in-syria/>.

<sup>20</sup> Conference room paper of the Commission entitled "'I lost my dignity': sexual and gender-based violence in the Syrian Arab Republic", available at the web page of the Commission (<https://www.ohchr.org/en/hr-bodies/hrc/iici-syria/documentation>).

<sup>21</sup> See [https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/voices\\_from\\_syria\\_2022\\_online\\_version\\_final.pdf](https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/voices_from_syria_2022_online_version_final.pdf).

<sup>22</sup> See, for example, the conference room paper "'I lost my dignity'", and A/HRC/46/55, table 4.

<sup>23</sup> Legislative Decrees No. 14/1969 and No. 69/2008.

19. Rape is a crime under the Penal Code (art. 489), but victims are often discouraged by societal expectations, prevailing gender norms and discriminatory practices and customs from launching criminal complaints against perpetrators. Stigmatization often also prevents survivors of rape from seeking required medical assistance, physical protection, psychosocial or economic support and redress. It also renders survivors more likely to face additional abuse or harm linked to traditional and cultural practices. The United Nations representatives in the Syrian Arab Republic estimated that currently as many as 7.3 million persons, overwhelmingly women and girls, were in need of services related to gender-based violence.<sup>24</sup>

20. Owing to laws making adultery punishable, victims of rape also risk being subjected to criminal investigation themselves. International expert bodies have found that such laws may discourage women from reporting rape,<sup>25</sup> and the Commission has documented cases in which victims of rape were taken into police custody on suspicion of consensual extramarital relationships. Victims of rape have also been threatened with murder by their own families for “honour”-related reasons, or forced to marry the perpetrator instead of seeking accountability.

21. The Committee on the Elimination of Discrimination against Women and the Committee against Torture have urged the Syrian Arab Republic to amend its criminal legislation regarding laws granting rapists mitigated sentences if they agree to marry the victim<sup>26</sup> as well as regarding marital rape, domestic violence and other forms of gender-based violence.<sup>27</sup> To date, such recommendations remain largely unimplemented and the Government continues to be in violation of both the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Elimination of All Forms of Discrimination against Women.

#### **IV. Attacks by pro-government forces and violations in government-controlled areas**

22. The Commission documented 20 ground and aerial attacks carried out by pro-government forces in Idlib and western Aleppo that resulted in 195 civilian casualties, including 36 deaths, of which 12 were children. Attacks damaged or destroyed food resources, displacement camps and several homes, where victims, including many who were displaced, had initially sought refuge.

23. Likewise, insecurity prevailed across government-controlled areas, notably in the south and south-west. Clashes and targeted killings continued between pro-government forces and armed groups in Dar‘a, while protests erupted in Suwayda’. Arbitrary arrests, disappearances and deaths in detention continued, while harassment, extortion and other violations persisted. This, and the impact of the prolonged conflict, continued to impede return to government-controlled areas.

##### **A. North-west of the Syrian Arab Republic**

24. The findings below are illustrative of attacks and patterns of attacks carried out during the period by pro-government forces in Idlib and western Aleppo. The Commission verified additional ground attacks by government forces in Barah, Ma‘arblit, Obein, Dayr Sunbul, Darat Izzah, Kafr Ammah and Kafr Latah, set out in annex IV, that may amount to war crimes (see para. 33 below).

<sup>24</sup> See <https://reliefweb.int/report/syrian-arab-republic/joint-statement-un-resident-coordinator-and-humanitarian-coordinator-syria-ai-el-mostafa-benlamlah-and-regional-humanitarian-coordinator-syria-crisis-muhannad-hadi-16-days-activism-enar>.

<sup>25</sup> See, for example, <https://www.ohchr.org/en/statements/2012/10/statement-united-nations-working-group-discrimination-against-women-law-and?LangID=E&NewsID=12672>.

<sup>26</sup> Penal Code, art. 508.

<sup>27</sup> CEDAW/C/SYR/CO/2, paras. 27 and 32; and CAT/C/SYR/CO/1, paras. 25–27.

### Ground attacks by government forces

25. The use of cluster munitions in populated areas has repeatedly been documented by the Commission since 2012.<sup>28</sup> On 6 November, such munitions struck the densely populated Maram displacement camp near Kafr Jalis and impacted six other nearby camps. Remnants and impact analysis indicate that 9N210 cluster sub-munitions were launched from a 220-mm 9M27-K Uragan artillery rocket system located at Nayrab airport, some 35 kilometres away (see annex V). At least 7 civilians were killed, including 1 woman and 4 children, and at least 60 others were injured. Multiple bomblets were dispersed over a 5-kilometre area, while children were preparing for school and a livestock market was open. Tents, caravans and food supplies were also damaged. The Commission found no military objectives inside the camps.<sup>29</sup>

26. In another incident, just before Friday prayers on 19 August in the city of Bab, a rocket attack, involving a 122-mm BM-21 Grad multi-barrel rocket launcher, likely fired from government-controlled Husamyiah some 15 kilometres to the west, killed 16 civilians, including 7 children aged up to 15, and injured 29, including 10 children. Consistent with previously established patterns of attacks on crowded markets,<sup>30</sup> the attack damaged the Suq al-Khamees market. The Ard Roun primary school and civilian homes in the Anfal, Rahib and Masari neighbourhoods were also affected (see annex V). The majority of the casualties occurred at the Suq al-Khamees, a civilian area without any known military objectives.<sup>31</sup>

27. Civilians were also killed or injured while attempting to secure their basic livelihoods. As the olive harvest season approached, attacks in agricultural fields intensified, including in Jabal al-Zawiyah, where families rely on crops as their primary source of income. The Commission documented the continuation of a pattern of attacks, including with precision-guided munitions, on food resources<sup>32</sup> and equipment that people used to transport goods or harvest (see annex IV). Attacks were carried out during the day, while families, including children as young as 5 years old, collected olives in open fields, rendering them identifiable as civilians from government positions across the front line.

28. For instance, on 20 October, around noon, a munition destroyed an agricultural trailer used to transport crops, and injured two boys, aged 7 and 11, who were collecting olives with their family in an agricultural field near Ma'arblit. Investigations found no nearby military objective, and the use of a precision-guided munition possibly fired from government positions in Dadikh, to the east across the front line.

29. Likewise, on 23 September, a munition destroyed another agricultural vehicle in Tadil, Aleppo, injuring five family members, including two women, and a boy and a girl aged 5 and 7 years respectively, who had just finished harvesting olives. Investigations found no military objectives nearby and the use of a precise-guided munition, fired from the 46th Regiment of the Syrian Arab Armed Forces, stationed around 3 kilometres to the east, near Urum al-Kubra.

30. Ground attacks also continued to kill or injure civilians, including children, in their homes (see annex IV). On 4 July, one pregnant woman was killed and two children injured in Ma'arrat al-Na'san when a mortar fired from government-controlled Miznaz struck their home.<sup>33</sup> Likewise, on 30 July in Kafr Ta'al, Aleppo, another toddler was killed and his father left with a long-term physical disability when a munition exploded close to their home while

<sup>28</sup> See, for example, [A/HRC/22/59](#) and [A/HRC/22/59/Corr.1](#), para. 21.

<sup>29</sup> Satellite imagery showed a military site located some 1.5 kilometres from the Maram camp.

<sup>30</sup> See, for example, [A/HRC/31/68](#), para. 77.

<sup>31</sup> SDF issued a statement denying responsibility for the attack: see <https://sdf-press.com/en/2022/08/press-release-regarding-the-shelling-on-al-bab-city/>. See also <https://www.syriaig.net/ar/2818/content/%D8%A8%D9%80%D9%8A%D8%A7%D9%86-%D8%AD%D9%88%D9%84-%D8%A7%D9%84%D9%85%D8%AC%D8%B2%D8%B1%D8%A9-%D8%A7%D9%84%D8%AA%D9%8A-%D9%88%D9%82%D8%B9%D8%AA-%D9%81%D9%8A-%D9%85%D8%AF%D9%8A%D9%86%D8%A9-%D8%A7%D9%84%D8%A8%D8%A7%D8%A8> (in Arabic).

<sup>32</sup> [A/HRC/51/45](#), para. 41.

<sup>33</sup> *Ibid.*, para. 48.

they were having tea. A 12-year-old boy relative of the victims was also killed, and another man injured.

### *Findings*

31. For each incident described above, the Commission sought but did not receive information from the Government suggesting that the locations attacked included military objectives.<sup>34</sup>

32. The Commission has reasonable grounds to believe that, in using cluster munitions on densely populated camps for internally displaced persons (see para. 25 above), government forces may have committed the war crime of launching an indiscriminate attack resulting in death or injury to civilians.<sup>35</sup> Through the use of unguided rockets on the city of Bab (see para. 26 above), government forces terrorized civilians and may have committed the war crime of directing attacks against civilians and civilian objects.

33. In conducting attacks with precision-guided munitions in Ma'arblit (20 October), Tadil (see paras. 28–29 above), Obein and Barah (see annex IV), government forces may also have committed the war crime of directing attacks against civilians and civilian objects, and violated international humanitarian law by attacking objects indispensable to the survival of the civilian population.<sup>36</sup> In doing so, the Government may have further violated the right to food.<sup>37</sup>

34. In shelling Kafr Ta'al, Ma'arrat al-Na'san (see para. 30 above), Kafr Ammah, Kafr Latah, Dayr Sunbul, Darat Izzah and Ma'arblit (14 November, see annex IV), government forces may have committed the war crime of launching indiscriminate attacks resulting in death or injury to civilians. In the absence of military objectives in Ma'arrat al-Na'san, Kafr Ammah and Dayr Sunbul, such acts may also amount to direct attacks against civilians and civilian objects.<sup>38</sup>

### **Aerial attacks by the Aerospace Defence Forces of the Russian Federation**

35. At around 6 a.m. on 22 July, air strikes destroyed a civilian house in Judaydah, Jisr al-Shughur, killing seven civilians, including three girls and one boy living there. Thirteen others were injured, including eight children. At least 23 family members, including 14 children, were inside the home when the attack took place.

36. The first strike on the house consisted of at least two munitions, which caused the majority of the casualties and partially damaged the house, vehicles and surrounding olive trees. Around 10 minutes later, as people rushed to assist the victims, a “double-tap”<sup>39</sup> air strike, consisting of two more munitions completely destroyed the house. A man and a 15-year-old boy who had gone to assist the initial victims were killed as a result.<sup>40</sup>

37. Later, on 8 September, around 10.45 a.m., three air strikes hit a stone-cutting workshop in Hafsarjah, killing 7 civilians, including 2 boys, and injuring 15, including 2 children. Many of the victims belonged to the same family, who worked together at the facility.

38. The attack commenced with at least three munitions causing the majority of the casualties, in addition to destroying the workshop, equipment and a nearby house, where the family lived. As in Judaydah, a second strike employing two missiles hit the same location

<sup>34</sup> See footnote 3 above.

<sup>35</sup> See [A/HRC/43/57](#), annex II, para. 20.

<sup>36</sup> See Jean-Marie Henckaerts and Louise Doswald-Beck, *Customary International Humanitarian Law: Volume I – Rules* (International Committee of the Red Cross/Cambridge University Press, 2005), rule 54.

<sup>37</sup> International Covenant on Economic, Social and Cultural Rights, art. 11 (2).

<sup>38</sup> Henckaerts and Doswald-Beck, *Customary International Humanitarian Law*, rule 156.

<sup>39</sup> On “double-tap” attacks, see [A/HRC/34/64](#), para. 39.

<sup>40</sup> At around 6.45 a.m., air strikes hit a possible military objective located some 1.5 kilometres away from the house, damaging a checkpoint and a pick-up truck with a mounted machine gun, visible through satellite imagery.

15 minutes later, injuring two civilians who were searching for bodies under the rubble. A third strike hit the same area briefly afterwards.

39. Satellite imagery confirmed the presence of a possible military site some 500 metres north-east of the affected location, and its subsequent damage. Regarding the stone workshop, interviewees explained that the facility was civilian in nature, and operated by a displaced family from Hama. An interviewee noted that the workshop had been out of operation for almost seven months, before the family had taken it over approximately 10 days prior to the attack.

40. The following week, on 17 September at 9.30 a.m., air strikes struck two more stone workshops near Hafsarjah, 350 metres from the above-mentioned stone workshop, injuring a civilian. Later, on 11 October, air strikes partially destroyed a poultry farm in Z'ayniyah.

41. Investigations, including overflight data and pilot intercepts, indicated that at least one Russian fixed-wing aircraft was present in the affected areas at the approximate time of each of the attacks. Photographs of remnants and damage assessment from attacks on 22 July and 8 September indicated the use of high-explosive bombs, possibly FAB-500. Since the March 2020 ceasefire agreement, the Commission has not recorded the involvement of aircraft operated by the Government of the Syrian Arab Republic in air strikes in the north-west of the country.

### *Findings*

42. For each incident described above, the Commission sought but did not receive information suggesting that the locations attacked included military objectives.<sup>41</sup> The Commission confirmed the presence of armed actors or other legitimate military objectives in the vicinity of the civilians and civilian objects attacked in Judaydah and Hafsarjah, although such objectives were at a sufficient distance as to be clearly distinguishable. The Commission examined the possibility of links between the civilian shops and the military site in the latter case, given their proximity and the repeated targeting, but found no information that would have rendered the former military objectives.

43. The Commission thus notes that, in failing to direct these attacks at a specific military objective, the Aerospace Defence Forces of the Russian Federation may have committed the war crime of launching indiscriminate attacks resulting in death or injury to civilians.<sup>42</sup>

44. Concerning the attack on a poultry farm in Z'ayniyah, no clarification was provided by the Aerospace Defence Forces regarding a potential military target. They may therefore have violated international humanitarian law by attacking objects indispensable to the survival of the civilian population, in continuation of a pattern previously documented for pro-government forces,<sup>43</sup> and may have committed the war crime of directing attacks against a civilian object.

## **B. Violations in government-controlled areas**

### **Continuing insecurity in Dar'a, Suwayda' and Hama**

45. In Dar'a Governorate, clashes occurred in July and August between government forces and armed groups in Tafas, following a 17 July attack on the residence of a known opposition armed group member, which killed his wife and injured his child. During the clashes, government forces looted agricultural equipment and reportedly extorted payment from local farmers as a condition to allow them to access and cultivate their land, resulting in damage to crops. A similar pattern of extortion was reported in Jasim in October.

46. On 16 August, a member of the central committee of western Dar'a was shot and killed and his son wounded in Da'il, Dar'a Governorate, continuing a pattern of the targeting

<sup>41</sup> See footnote 3 above.

<sup>42</sup> [A/HRC/43/57](#), para. 25.

<sup>43</sup> [A/HRC/48/70](#), para. 64.



of former members of opposition groups and pro-government forces by unidentified perpetrators.<sup>44</sup>

47. Following the reported death of the leader of Da'esh on 15 October in Jasim and amid reports of Da'esh activity in the area, on 28 October, four civilian men were killed and five other men injured following a suicide bombing in a home by a suspected Da'esh member in Dar'a al-Balad, Dar'a Governorate.

48. Subsequently, on 1 November, during clashes in Dar'a al-Balad between pro-government forces and opposition armed groups, a boy was shot dead and his older teenage brother wounded by unidentified perpetrators, as they were attempting to leave the area with other family members. Clashes continued for 16 days, during which a journalist was also shot and died on 5 November.

49. In Suwayda', protests against the deteriorating socioeconomic situation erupted in December, leading to confrontations between protesters and security forces. On 4 December, protesters stormed and set fire to a governorate building, tearing down pictures of the President, Bashar al-Assad. Security forces responded with heavy gunfire, leading to the death of one protester and more than a dozen injured. The Ministry of the Interior reported one police officer killed.<sup>45</sup>

50. In Hama, an unidentified projectile, likely fired from HTS-controlled areas, impacted the grounds of the Haya Sophia church of Al-Suqaylabiyah during its inauguration ceremony on 24 July, which was attended by State and military officials, Russian military officials, religious dignitaries and other civilians. The attack reportedly led to the death of a National Defence Forces<sup>46</sup> fighter and injuries to civilians.

### *Findings*

51. The suicide bomb attack against a private residence in Dar'a al-Balad with no legitimate military target present was a direct attack against civilians, which may amount to a war crime. By preventing farmers in Tafas from accessing their land, which led to destruction of crops, loss of earnings and higher food prices, the Government may have violated the population's right to food.<sup>47</sup> In Suwayda', when protesters who did not pose an imminent threat of death or serious injury to others were shot, the Government's use of live ammunition to respond to protests may further amount to a violation of the right to life. The deliberate targeting of cultural objects, such as the church in Hama, or of civilians, may amount to a war crime, and attacks on military targets leading to death and injury of civilians raise concerns of proportionality and precaution.

### **Arbitrary detention, including ill-treatment, torture and death in detention, and enforced disappearance**

52. Arbitrary arrests and detention by Government forces continued to be reported, including of people who had previously "reconciled" with the Government. Others were detained for conscription-related purposes, prior to the amnesty for crimes of "internal and external desertion from military service" announced on 21 December.<sup>48</sup>

53. In the context of a severely deteriorated economic situation, practices aimed at extorting money from relatives of detainees flourished. Families were routinely compelled to resort to intermediaries, including State officials, to try to locate detained relatives, have them brought before a judge or obtain their release.

<sup>44</sup> A/HRC/49/77, para. 33; and A/HRC/51/45, para. 37.

<sup>45</sup> See <https://www.facebook.com/syrianmoi/photos/1785143705203479> (in Arabic).

<sup>46</sup> On the National Defence Forces, see the conference room paper of the Commission entitled: "'They have erased the dreams of my children': children's rights in the Syrian Arab Republic", para. 32. Available at the web page of the Commission (<https://www.ohchr.org/en/hr-bodies/hrc/iici-syria/documentation>).

<sup>47</sup> Henckaerts and Doswald-Beck, *Customary International Humanitarian Law*, rule 52.

<sup>48</sup> See <https://sana.sy/en/?p=293840>.

54. The initial arrest by State authorities in some cases appeared to have been undertaken for extortion purposes, including detentions based on allegations of unauthorized use of foreign currency.<sup>49</sup> Individuals were arrested by the General Security Directorate, and asked to pay significant amounts of money to the Central Bank, in the context of the Syrian pound reaching record lows against the dollar.

55. The lack of due process during judicial proceedings remained of concern,<sup>50</sup> including through the use of military courts to prosecute civilians, protracted pretrial and incommunicado detention, confessions under duress in custody and enforced disappearance.

56. Deaths in detention also continued, notably due to ill-treatment and torture, or lack of access to medical care. One family was denied access to their chronically ill detained relative to provide him with medication. He was later reported to have died in detention. One man arrested in August 2022 after he was injured in the context of a government anti-Da'esh operation in Tafas died in the custody of the Military Intelligence Directorate one week after he was detained.

57. Families of those who reportedly died in detention were also intimidated by security services to prevent them from reporting on the circumstances of the death, and pressured to refrain from undertaking funeral rites.

58. The Government consistently hampered efforts by families to access information regarding the fate and whereabouts of their disappeared loved ones.<sup>51</sup> Families continued to discover the news of the death of their relatives in detention years after the fact, sometimes coincidentally when the Government updated the civil registry, as opposed to proactively informing families.<sup>52</sup> For example, the civil registry file of a man from Rif Dimashq, arrested in 2013 in eastern Ghutah, and who reportedly died in 2014, was updated in 2018 without his relatives being informed of the change.

59. Some families received informal information that their relatives had died in detention but were unable to obtain their remains, or even a death certificate. One man and his son from Homs, who had "reconciled" with the Government, were subsequently detained in 2021 and their whereabouts are unknown. Another man went missing after he was arrested in Damascus by government security forces, after "reconciling" in Dar'a in 2018. Both families received information in the reporting period indicating their relatives had died in custody, but were unable to obtain official confirmation.

60. More generally, the requirement to obtain security clearance for even basic administrative tasks, such as registering vital events, contributed to extending the security services' influence over people's daily lives. For example, Ministry of Justice circular No. 22, issued in August, requires courts dealing with personal status issues to obtain security clearance for individuals requesting death certificates pertaining to non-natural deaths. This raises concerns that families, in particular those perceived as affiliated to the opposition, including families of disappeared detainees, will face further obstacles to be able to proceed with administrative matters, while providing further opportunities for corruption and financial extortion.

### *Findings*

61. The Commission has reasonable grounds to believe that the Government continued to commit acts of murder, torture and ill-treatment against persons in detention, including practices causing death in detention, as well as arbitrary imprisonment and enforced disappearances, again confirming continuing patterns of crimes against humanity and war

<sup>49</sup> Decree No. 54 of 2013, amended by Decree No. 3 of 2020.

<sup>50</sup> See also the conference room paper of the Commission entitled: "Out of sight, out of mind: deaths in detention in the Syrian Arab Republic", para. 16. Available at the web page of the Commission (<https://www.ohchr.org/en/hr-bodies/hrc/iici-syria/documentation>).

<sup>51</sup> A/HRC/51/45, para. 70.

<sup>52</sup> See [https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/CoISyria/DeathNotificationsSyrianArabRepublic\\_Nov2018.docx](https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/CoISyria/DeathNotificationsSyrianArabRepublic_Nov2018.docx), para. 2.

crimes.<sup>53</sup> All deaths in State custody must be the subject of an independent, transparent and comprehensive investigation and the failure to do so may amount to a violation of the right to life. In cases documented also during this period, rights to due process and a fair trial were consistently violated in the Syrian criminal justice system.

*Obstacles to returns of Syrian refugees and internally displaced persons*

62. Among Syrian refugees, intent to return reportedly further declined in 2022, notably due to safety and security concerns.<sup>54</sup> Instead, an increasing number of Syrians are seeking to reach Europe,<sup>55</sup> as tragically demonstrated when a smuggler's boat carrying a large number of Syrians and others towards Europe sank on 22 September, drowning 99 people.<sup>56</sup> Allegations of the arbitrary detention of several male shipwreck survivors, including foreign nationals, by Syrian police and the Military Intelligence Directorate, are under investigation.

63. While the Syrian authorities publicly encouraged returns in international forums,<sup>57</sup> in practice, Syrian refugees, migrant workers and displaced persons living outside government-controlled areas wanting to return faced a lack of clear and accessible information about how to return. No information was provided regarding the conditions required to be authorized to return, the entities responsible for issuing such clearance, and the possibility of appealing such decisions when they entailed a denial to return.<sup>58</sup>

64. For instance, those wishing to return home to Homs, government-held parts of Idlib and Rif Dimashq had to navigate multiple and overlapping clearance processes involving a range of authorities. Such processes often entailed seeking a security clearance<sup>59</sup> from security agencies, or a "settlement"<sup>60</sup> of their status or both, depending on where returnees were coming from, where they were going, and their profile. Some had to resort to "status settlement" centres located in government-controlled areas prior to their return, in order to "settle" their status through relatives or friends who engaged on their behalf. Others accessed such centres directly after returning through smuggling routes, or after requesting "status settlement" at an international border or at a crossing point. Yet others were required to provide a security clearance for residence prior to their return, or sought to participate in a collective return initiative from Lebanon.

65. Some Syrians were denied return. For example, on 26 October and 5 November, two convoys of Syrian refugees returned to the Syrian Arab Republic from Lebanon. Prior to the departure of the refugees, the General Security Directorate of Lebanon reportedly coordinated with Syrian intelligence services, which determined who would be cleared to return. Some saw their request to return refused prior to the convoy departure, on "criminal" or "security grounds", without further details being provided. They were not informed of any official procedures to appeal the decision. Others were denied entry to the Syrian Arab Republic at the border itself.

66. The Commission also documented cases of internally displaced Syrians who were denied return to their home village in government-controlled areas from opposition-held areas, despite having obtained prior approval.

67. Others who had learned they were wanted by the authorities reported paying large amounts of money to brokers and members of security forces to avoid arrest upon return – considering this the only safe way to return to government-controlled areas.

68. Furthermore, some returnees who successfully managed to enter the Syrian Arab Republic faced violations upon their return. This included arbitrary detention, in some cases accompanied by financial extortion to obtain release. The Commission documented the cases

<sup>53</sup> A/HRC/51/45, para. 26.

<sup>54</sup> See <https://data.unhcr.org/en/documents/details/93760>.

<sup>55</sup> See <https://euaa.europa.eu/latest-asylum-trends-asylum>.

<sup>56</sup> See <https://sana.sy/?p=1749248> (in Arabic).

<sup>57</sup> See, for example, <https://www.ohchr.org/en/press-releases/2022/09/committee-rights-migrant-workers-commends-syria-progress-legislation-last>.

<sup>58</sup> See footnote 3 above.

<sup>59</sup> A/HRC/45/31, para. 32, footnote 37; and A/HRC/51/45, paras. 27–30.

<sup>60</sup> "Settlement" of status is part of the broader process of "reconciliation", see footnote 16 above.

of at least eight men detained after their return, some of whom were later released following the payment of significant bribes. One man who had “reconciled” upon his return in early 2022 was subsequently detained and died in custody, after he was denied life-saving medical care.

69. Other returnees reported having to pay bribes to members of the local administration to regain access to their residential properties, or being prevented from accessing their homes at all. Other returnees saw their property taken over by neighbours, who threatened those who tried to claim them back. One person’s house was severely damaged in retaliation for insisting that the house be returned. In another case, land was reportedly seized by the local head of a pro-government militia through public auctions, in continuation of a previously documented pattern of violations.<sup>61</sup> Remedies for these situations were lacking or ineffective, as the authorities did not react to complaints submitted by some, while others reported fearing reprisals should they submit a complaint.

70. In the light of the above, and further to the overall findings of this report, conditions are not currently in place to ensure voluntary, safe, dignified and sustainable returns in view of the ongoing violations occurring in the country.

#### *Findings*

71. By failing to provide clear information on procedures required to return, withholding the grounds for decisions denying return or providing a possibility of appealing such decisions, the Government may have arbitrarily deprived Syrians abroad of the right to enter their own country.<sup>62</sup> The failure to facilitate returns may also amount to a violation of customary international humanitarian law.<sup>63</sup>

72. Government seizure of property, auctioning of rights, and prohibition of access to property without due process or compensation may amount to violations of housing, land and property rights. The Government’s inaction or acquiescence in relation to third parties’ seizure of property may amount to a violation of positive obligations to protect the above-mentioned rights. These acts and omissions may also entail violations of the customary international humanitarian law obligation to respect the property rights of displaced persons.<sup>64</sup>

## **V. Violations by Hay’at Tahrir al-Sham in the north-west**

73. HTS members continued detaining civilians arbitrarily, including individuals critical of their rule. In most cases documented by the Commission, people were arrested by HTS “general security” members and held in prison branch 33 (Idlib), or in another detention facility reportedly attached to a courthouse (Sarmada). Both facilities were described by survivors as “secret prisons”, where detainees were confined to their cells, not provided with adequate food nor medical care, denied access to legal counsel and, except in one case, also contact with their families. The presence of pregnant women and children, including infants, in Sarmada central prison was also confirmed.

74. Other survivors described not being informed about the charges or reasons for their arrests, and some were held incommunicado. Those held for voicing critical views of the group were also forced to sign a pledge committing not to criticize the group, to allow for their release. One survivor described how he was held incommunicado in 2021 and beaten by HTS members with a plastic hose during interrogations. He was sentenced by a local court to 300 lashes and five years of imprisonment for murder, a crime he denied. He was subsequently transferred to another prison, where he was registered, allowed to access a lawyer and contact his family, and then released nine months later following pressure by influential actors.

<sup>61</sup> A/HRC/48/70, paras. 38–41.

<sup>62</sup> International Covenant on Civil and Political Rights, art. 12.

<sup>63</sup> Henckaerts and Doswald-Beck, *Customary International Humanitarian Law*, rule 132.

<sup>64</sup> *Ibid.*, rule 133

75. During the reporting period, the Commission also received multiple, consistent and credible reports of ongoing executions by HTS of detainees, including women, by firing squad. The victims had been sentenced to death for crimes including murder, adultery or rape, pursuant to judgments rendered by courts operating under HTS control. At least two children were reportedly sentenced to death. Investigations are ongoing.

76. HTS also continued to tighten control over the activities of local organizations,<sup>65</sup> and restrict the work of media workers, whom they perceived as challenging their rule and disparaging of their ability to provide security or services to residents. The group referred to violations of its media “law” – a text that has not been made public – when sanctioning and subsequently silencing critical reporting and intimidating journalists. Victims and witnesses of such HTS violations are becoming increasingly reluctant to report their experiences.

77. On 1 October, the HTS “media directorate” gathered journalists and pronounced a decision banning Orient News from operating. This followed the outlet’s publications referring to the group as a “militia” and describing the poor economic situation under HTS rule. Affiliated journalists were told that they were prohibited from publishing with the media outlet. Failure to abide by this decision would result in “security measures”, understood to mean arrests pursuant to the media “law”.

78. One journalist recalled being repeatedly threatened, harassed and interrogated by HTS and its “media directorate” over the past year regarding his reporting on living conditions in Idlib, and alleged violations committed by the group. The “media directorate” suspended him from work for three months and temporarily confiscated his press card. He was told that through his work he had “incited violence” and cooperated with “enemy media outlets”, which constituted a violation of the HTS media “law”, for which he could face arrest. He had to sign a pledge committing to several conditions, including to stop speaking publicly about HTS.

79. Similarly, on 12 September, HTS members beat a photographer and temporarily confiscated his camera for filming members of the group beating and preventing civilians from crossing into Türkiye through the Bab al-Hawa crossing point, as part of a “peace caravan” march.

80. Further clamping down on civic space, HTS members summoned, intimidated and briefly arrested residents, including a journalist, for comments they had made in online chat groups regarding the standard of living and service provision in HTS-controlled areas. This led to self-censorship by residents, who removed social media posts in fear of retaliation. Others were subjected to defamation campaigns online (including for work promoting gender equality), which were aimed at sowing distrust in their work and limiting their influence.

### *Findings*

81. The Commission has reasonable grounds to believe that HTS members continued to arbitrarily deprive people of liberty and hold some incommunicado and others in a manner tantamount to enforced disappearance. HTS routinely denied basic due process rights<sup>66</sup> and denied access to food and health care in detention. Further, the Commission has reasonable grounds to believe that HTS members may have committed the war crimes of torture and cruel treatment and the passing of sentences without previous judgment pronounced by a regularly constituted court affording all judicial guarantees which are generally recognized as indispensable.

## **VI. Attacks and violations in northern Aleppo**

82. Attacks against civilians continued in northern Aleppo. The Commission documented five attacks, resulting in 60 casualties. Despite an apparent decrease in improvised explosive device attacks, civilians were killed or injured in ground attacks, including while in their homes in a displacement camp or at public markets. SNA members also continued detaining

<sup>65</sup> A/HRC/51/45, paras. 58–59.

<sup>66</sup> Henckaerts and Doswald-Beck, *Customary International Humanitarian Law*, rule 100.

civilians arbitrarily and subjecting some to torture, which also in some cases led to their death.

## A. Conduct of hostilities

83. Between July and October, multiple rockets were fired on at least four occasions into the Kuwait al-Rahma camp, near Afrin, where around 1,500 displaced persons resided. In the morning of 24 July, a man was killed, and two people injured, including a woman. On 29 October, a woman was killed and an infant boy injured. At least two housing blocks in the western and south-western corner of the camp were destroyed and another damaged as a result of these attacks. Almost all residents subsequently left in October, noting fears of being targeted again and unsuccessful requests to the Afrin local council to be transferred elsewhere. Witnesses described the camp as civilian in nature without military objectives nearby, located on a mountain. The rockets were likely fired from the Tall Rif‘at area, up to some fifteen to sixteen kilometres to the east of the camp, where Kurdish armed groups,<sup>67</sup> as well as pro-government forces, were reportedly present at the time.

84. On 22 November, five displaced civilians were killed, including a boy, and five others injured, when a rocket, also likely fired from the Tall Rif‘at area, struck a commercial area in I‘zaz – known as “Turkish street” – in front of a butcher shop. Several civilian homes and vehicles were also damaged.

### *Findings*

85. With regard to the attacks on the Kuwait al-Rahma camp, in the absence of any indication of military objectives and due to the repeated nature of the attacks, there are reasonable grounds to believe that these attacks directly targeted, and subsequently terrorized the encamped civilian population, and may amount to war crimes. Regarding the shelling in I‘zaz, there are reasonable grounds to believe that this attack may amount to the war crime of launching indiscriminate attacks resulting in death or injury to civilians. While no party has claimed responsibility and there is insufficient information to identify the perpetrator(s), in both cases rockets were likely fired from the Tall Rif‘at area, where Kurdish armed groups as well as pro-government forces were reportedly present at the time.

## B. Violations by the Syrian National Army

### **Detention, including disappearances and hostage-taking**

86. Arrests and detention by SNA brigades and the SNA military police continued. Kurdish detainees were routinely questioned on their alleged ties to the Kurdish People’s Protection Units or SDF. Many appeared to have been arrested when attempting to cross into Türkiye. Detainees were transferred between different SNA brigades, deprived of legal counsel and brought before military courts. Some of them were subsequently acquitted, but released only after a payment had been made to members of the SNA military police.<sup>68</sup>

87. Interviewees consistently narrated being beaten and blindfolded during interrogations, and held incommunicado for up to a year. Torture and ill-treatment were documented in several SNA facilities, including military police prisons in Raju and Ra’s al-Ayn, and a prison operated by the Sultan Murad Division in Hawar Killis. In some cases, such practices led to the death of detainees, including one in the custody of Ahrar al-Sham. Another detainee, a Kurdish lawyer with a health condition, reportedly died in the custody of the civil police in Afrin in December. Photographs of his body showed bruises. SNA informed the Commission that investigations concluded cardiac arrest for cause of death. Another detainee reportedly died following repeated beatings and denial of medical care.

<sup>67</sup> Reportedly including Kurdish People’s Protection Units and the Afrin Liberation Forces. See also [A/HRC/42/51](#), para. 56. SDF issued a statement denying responsibility for the attack of 24 July, see <https://sdf-press.com/?p=37783> (in Arabic).

<sup>68</sup> [A/HRC/48/70](#), paras. 81–82.

88. SNA again informed the Commission that detainees were allowed access to a lawyer and contact with their families as well as visits by human rights organizations, and that measures to prevent torture had been put in place.

89. Victims consistently described poor detention conditions, including overcrowding, limited access to food, medicine and sanitary services. Two described being beaten when they requested a doctor or hygiene products. Survivors reported children held in several facilities, being used to clean, wash dishes and distribute food.

90. A Kurdish man, held in a makeshift facility run by the Hamzah Division, was beaten with cables, deprived of food and water, and forced to clean their premises. A few days later, he was transferred from their custody to the Ra's al-Ayn military police, where he was interrogated during the night, beaten, hung from the ceiling by his arms (*shabh*) and placed in a tire (*doulab*). He was only brought before a judge and allowed to contact his family three weeks later. Although he was acquitted, he remained in military police custody for two more weeks, until his family paid 150 Turkish lira in "fees" to the court, and \$2,500 to a military police commander for his release.

91. Another Kurdish survivor was blindfolded, stripped naked and beaten, and had his toenails pulled out, likely by Sultan Murad Division members, during his first interrogation upon arrival at the Hawar Killis prison in August. He reported that during the same session, a Turkish official assisted in placing him in *shabh*, interrogated him through an interpreter on his alleged links to Kurdish People's Protection Units, and threatened him with rape. SNA members beat him during the interrogation by the Turkish official. The victim was kept in solitary confinement for over 20 days and denied adequate food and water. He also reported that he had been released after his family paid thousands of dollars to an intermediary with alleged links to SNA.

92. Survivors recalled that fellow detainees were held by SNA for prolonged periods without any possibility to contact their families, some for years. A father reported that SNA members had deliberately concealed the whereabouts of his detained son, despite having allowed contact earlier.

93. Others were seemingly arrested for extortion purposes, and released only after a payment was made to SNA members. In Afrin, the father of two young men arrested by SNA members was forced to pay to secure their release. In another case, the mother of a Kurdish boy was told by a member of the SNA military police in Raju that she should pay \$1,000, an amount later negotiated down, for his release.

94. SNA members also arrested people who expressed opposing or critical views. An Arab man was arrested for criticizing the military police on social media, and sentenced for defamation, including of SNA, by a military court in Jindayris in July. He appealed the decision in October.

95. On 12 August, SNA allegedly fired live ammunition in the air to disperse demonstrators in Jarabulus protesting against a statement by the Turkish Minister of Foreign Affairs encouraging internal Syrian dialogue.<sup>69</sup> At least 10 people were arrested on the following day.<sup>70</sup>

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

96. The Commission continued documenting cases of rape and other forms of sexual violence, perpetrated by SNA members, including of children. Reports of a gang rape allegedly involving SNA members are also under investigation.

97. The Commission remains concerned at reports that reconciliation between the families of the perpetrator and survivor, based on the concept of honour, is often prioritized instead of pursuing accountability for perpetrators to deter such crimes. Such reconciliation

<sup>69</sup> See [aa.com.tr](http://aa.com.tr) (سوريا خارجية وزير مع اجراها قصيرة محادثة عن يكشف أوغلو تشاوش).

<sup>70</sup> See [https://twitter.com/gul\\_davut/status/1558078683998556160?s=21&t=L1KF9pSLs85y6GUtH81Flg](https://twitter.com/gul_davut/status/1558078683998556160?s=21&t=L1KF9pSLs85y6GUtH81Flg) (in Turkish).

sometimes resulted in the forced marriage of the victim to the perpetrator – a renewed violation of the victims’ rights.

### **Murder**

98. On 14 September, a 9-year-old Iraqi boy was found dead after being severely beaten and raped, allegedly by a former armed group fighter who had recently arrived in Ra’s al-Ayn. The man was arrested and handed over to the SNA military police in Ra’s al-Ayn, following which the head of the military police made a public statement promising “revenge” for the rape. On 15 September, as the military police were transferring him to the custody of the SNA civil police, a group of masked gunmen stopped the vehicle transporting him, and shot him dead. Later that day, two SNA faction leaders publicly lauded the killing.<sup>71</sup>

99. A media activist of Arab origin and his pregnant wife were killed on 7 October while on a motorcycle in the city of Bab. Witnesses confirmed that the victim had received death threats about his activism prior to the killings. On 10 October, the Hamzah Division issued a statement recognizing that the three alleged perpetrators were members in their ranks.<sup>72</sup>

100. SNA informed the Commission that it was investigating the above two incidents.

### **Property confiscation**

101. SNA informed the Commission that procedures were in place for civilians to claim their properties. Nevertheless, interviewees reported being prevented from regaining access to their properties, some of which had been confiscated in 2018; threatened with arrests for claiming properties back; or forced to pay “fees” imposed by SNA members on people seeking to return.

102. Women who live alone and own property are particularly affected by such practices. For example, an older widowed woman described how a senior Faylaq al-Sham member confiscated her olive crops in October 2022, after another member of the same group had confiscated her home in 2018. The group claimed that, as a widow, she did not need a home just for herself. Another woman described how she was still struggling to regain access to her home in Afrin, which had been confiscated by a member of Ahrar al-Sharqiyah, who had asked her why the house was in the name of a woman.

### **Findings**

103. The Commission has reasonable grounds to believe that SNA members continued to arbitrarily deprive individuals of liberty, and hold detainees incommunicado and some in a manner tantamount to enforced disappearance. SNA members also continued to commit torture, including rape, and cruel treatment, murder, hostage-taking and pillage, all of which may amount to separate war crimes. The Commission looks forward to receiving further information from SNA on efforts to hold its own forces accountable for these acts, while respecting the fair trial rights of the accused, victims and witnesses.

104. The presence of Turkish officials during interrogations, some involving torture or ill-treatment of detainees, continues to be documented.<sup>73</sup> Türkiye is bound by its obligations under international human rights and humanitarian law, including to prevent torture when present.<sup>74</sup> Turkish forces may have violated their obligations under article 43 of the Regulations respecting the Laws and Customs of War on Land and article 1 common to the Geneva Conventions of 12 August 1949.

<sup>71</sup> See, for example, [https://twitter.com/LBM\\_SY/status/1570529517005066245](https://twitter.com/LBM_SY/status/1570529517005066245) and <https://twitter.com/abohateem15/status/1570468500287950848> (both in Arabic).

<sup>72</sup> Statement on file.

<sup>73</sup> [A/HRC/45/31](#), paras. 54 and 60; and [A/HRC/46/55](#), paras. 41 and 45.

<sup>74</sup> [A/HRC/46/55](#), para. 45.



## VII. Attacks and violations in the north-east

105. In the north-east of the Syrian Arab Republic, hostilities caused civilian casualties, notably in reciprocal exchanges between SNA- and SDF-controlled areas.<sup>75</sup> Higher levels of civilian casualties were reported in July, August and November, coinciding with the beginning of the Turkish Operation Claw-Sword.

106. SDF continued to arbitrarily detain civilians, including individuals allegedly associated with Da'esh and their families (see sect. VII.B below).

107. This reporting period also saw continuing reports<sup>76</sup> of child recruitment, which persist despite the June 2019 action plan signed by SDF and the Special Representative of the Secretary-General for Children and Armed Conflict to end and prevent the recruitment and use of children under the age of 18;<sup>77</sup> the 2020 establishment, by the Executive Council of the self-administration,<sup>78</sup> of child protection offices and ongoing efforts by SDF to put an end to this practice. Some families approached child protection offices to report cases of children as young as 14 being recruited, but were told that no action could be taken as the children had been taken by the Kurdish revolutionary youth movement.<sup>79</sup> Despite requests by families, the whereabouts of some recruited children remained unknown.

108. Fundamental freedoms continued to be infringed in the context of ongoing tensions between different political parties and groups. For example, a protest held on 28 September in Qamishli was suppressed by the Asayish<sup>80</sup> alongside individuals bearing the emblem of the Kurdish revolutionary youth movement, who beat protesters and a journalist and damaged the latter's equipment. The protest was in reaction to the reported decision of the self-administration to close schools and educational institutions that teach the official Syrian curriculum.<sup>81</sup> On 19 October, the United Nations headquarters in Qamishli was vandalized, reportedly by individuals associated with the same movement.

### A. Conduct of hostilities

109. Civilian casualties continued to be reported in connection with ground attacks and drone strikes in areas bordering Türkiye or near SNA-controlled areas, including in Tall Rif'at and areas around Ayn Isa and Tall Tamr (see annexes II and III).

110. In one such attack, in the early evening of 6 August, two boys, aged 15 and 17, and a civilian man were killed, and the civilian father of one of the boys, who were nearby, was injured when a Turkish-manufactured MAM-type (smart micromunition) missile launched from a drone targeted a white flatbed truck in the Al-Sina'ah neighbourhood in Qamishli. The vehicle was carrying an SDF fighter and a commander from the Kurdistan Free Life Party, who may have been the targets of the attack, and both of whom were also killed.

111. Following a reported attack killing Turkish soldiers at a Turkish border post to the west of Ayn al-Arab, in the morning of 16 August, Turkish shelling impacted multiple locations in Ayn al-Arab, including the courtyard of a hospital in the Kania Kurdan neighbourhood, where a 2-year-old boy was injured.<sup>82</sup> The Commission recalls that the special protection afforded to medical facilities must be respected during the conduct of hostilities. Several villages surrounding Ayn al-Arab were also reportedly impacted that morning, including Zor Ava, Qaramogh, Qor Ali, Boban, Ashmah, Qoran and Seftek, located approximately five kilometres away and a few hundred metres from a heavily fortified border area. A teenage boy was killed in Zor Ava village and at least four civilians were injured,

<sup>75</sup> Attacks were reported also in Turkish territory, outside the Commission's remit.

<sup>76</sup> [A/76/871-S/2022/493](#), para. 198.

<sup>77</sup> [A/HRC/42/51](#), para. 23.

<sup>78</sup> [A/HRC/45/31](#), para. 12.

<sup>79</sup> [A/HRC/49/77](#), para 105.

<sup>80</sup> [A/HRC/39/65](#), para. 68.

<sup>81</sup> [A/HRC/48/70](#), para. 106.

<sup>82</sup> Possible military targets were also attacked, including a vehicle located some two kilometres away from the hospital.

including one woman. Interviewees also reported additional civilian casualties and damage to civilian buildings, including a flour mill and its generator.

112. In November, as part of Operation Claw-Sword, Türkiye targeted multiple locations across north-eastern Syrian Arab Republic with air strikes and artillery shelling, notably Malkiyah, and Ayn al-Arab. Several casualties were reported, notably in Taql Baql, where a male journalist was killed. Another male journalist was injured in Ayn al-Arab. Damage to civilian infrastructure also occurred, including to the Suwaydiyah power station in Taql Baql, which led to electricity and gas outages. Investigations into these incidents are ongoing.

### Findings

113. The drone strike on 6 August occurred in a densely populated neighbourhood of Qamishli. The presence of civilians at the chosen time and location of the attack should normally have been observable by drone. Therefore, Turkish Armed Forces may have failed to take all feasible precautions to avoid, and in any event to minimize, incidental loss of civilian life, injury to civilians and damage to civilian objects.<sup>83</sup> Further, the 16 August attacks on Ayn al-Arab may amount to the launching of indiscriminate attacks, in violation of international humanitarian law. Launching indiscriminate attacks causing death or injury to civilians may constitute a war crime.

## B. Arbitrary deprivation of liberty, including enforced disappearances

114. SDF continued to detain more than 10,000 suspected Da'esh fighters and other men and boys allegedly affiliated to the group across the north-east. Many do not have any legal recourse to contest their detention, particularly non-Syrians. They have very limited contact with the outside world, often limited to sporadic letters transmitted by humanitarian actors. Humanitarian actors have been denied access to hundreds of boys, including foreigners, detained in this context,<sup>84</sup> despite indications they are in dire need of medical and other assistance. Scores of teenage boys were reported to have died due to tuberculosis in Sina'ah prison alone since January 2022. One witness observed boys who were emaciated, with muscle wasting, and children with obvious trauma, with double amputations and who were anaemic. Other boys are detained in "rehabilitation" centres, including the newly opened Orkesh centre in Hasakah. It is essential that adequate humanitarian access to these more than 800 boys be fully restored.

115. Insecurity continues in the camps where the families of alleged Da'esh members are unlawfully detained. The Commission received numerous reports of sexual and gender-based violence, compounded by a lack of prevention or accountability mechanisms for such cases. On 25 August, the Asayish, reportedly with the support of SDF and the international counter-Da'esh coalition, began Operation Humanity and Security,<sup>85</sup> which led to the transfer of scores of boys from the Hawl and Rawj camps, some to unknown locations. During the operation, SDF reported having found Yazidi women and girls, held captive by Da'esh-associated families, some reportedly having been kept chained and tortured. Ten murders were reported in July and August before the Asayish security operation, and three murders since.

116. Living conditions in the camps continued to deteriorate. Some 56,000 people, the majority of whom are women and children under 12, including over 37,000 foreigners from approximately 66 countries, live in these camps, exposed to extreme temperatures and flooding in now 3-year-old threadbare tents. Access to adequate health care remains extremely limited, affecting in particular women and children with disabilities, untreated injuries dating back to 2019 or chronic illness, including asthma. Access to education is also limited, with mothers forced to homeschool their children.

<sup>83</sup> A/HRC/39/65, para. 24.

<sup>84</sup> A/HRC/51/45, para. 96.

<sup>85</sup> See <https://sdf-press.com/en/2022/08/the-internal-security-forces-launch-the-second-phase-of-the-operation-security-and-humanity-in-al-hol-camp/>.

117. The Commission has repeatedly called for the Syrians in the camp to be released, as well as for the repatriation of non-Syrian nationals from the Hawl and Rawj camps. It welcomes the recent increase in repatriation operations, including to countries previously reluctant to repatriate adults (see annex VI). Repatriations of Iraqis, who represent the largest number detained in camps in north-eastern Syrian Arab Republic, with nearly 27,000 men, women and children, also continued at a steady pace. In September, the European Court of Human Rights issued a judgment requiring France to reconsider requests for repatriation in a way that ensures procedural safeguards are in place to avoid arbitrariness of decisions,<sup>86</sup> two days after the Committee on the Rights of the Child found Finland in violation of the Convention on the Rights of the Child, similar to its earlier decision regarding France.<sup>87</sup>

118. However, tens of thousands remain trapped, including children who have only known life in the camps, cut off from the rest of the world. Past repatriations and returns from these prisons and camps have shown it is possible to bring an end to these violations.

119. In other detention facilities across the north-east, previously documented detention-related violations reportedly continued,<sup>88</sup> including in Asayish custody in Shaykh Maqsud, Aleppo. One person who had expressed critical views of the self-administration and SDF was detained for several months, without due process guarantees, in the context of intra-Kurdish tensions.

### Findings

120. The Commission has reasonable grounds to believe that SDF members arbitrarily deprived individuals of their liberty, including some in a manner tantamount to enforced disappearance.<sup>89</sup>

121. The prolonged blanket internment since 2019, without individual or regular review, of some 56,000 people in the Hawl and Rawj camps amounts to unlawful deprivation of liberty, and the conditions in both camps may amount to cruel or inhuman treatment.<sup>90</sup> SDF has held them for nearly four years without the opportunity to challenge the grounds for such detention and tarred them with the presumptive but unproven association with a United Nations-designated terrorist entity. There are reasonable grounds to believe that the form, severity, duration and intensity of the physical and mental suffering inflicted may amount to the war crime of committing outrages upon personal dignity, in particular humiliating and degrading treatment, in relation to each interned individual.<sup>91</sup> The Commission considers that Member States involved in supporting SDF have a particular responsibility to assist them to bring these violations to an end.<sup>92</sup>

## VIII. Recommendations

122. **The Commission reiterates its previous recommendations and, in particular, calls on all parties to the conflict:**

(a) **To immediately cease all indiscriminate and direct attacks on civilians and civilian objects, in particular attacks on medical facilities and objects indispensable for the survival of the civilian population as well as cultural and religious sites, and take all feasible precautions to minimize harm to the civilian population;**

<sup>86</sup> *H.F. and others v. France*, Application Nos. 24384/19 and 44234/20, Judgment, 14 September 2022.

<sup>87</sup> See *P.N. et al. v. Finland* (CRC/C/91/D/100/2019) and *F.B. et al. v. France* (CRC/C/89/D/77/2019-CRC/C/89/D/79/109-CRC/C/89/D/109/2019).

<sup>88</sup> A/HRC/49/77, para. 106.

<sup>89</sup> A/HRC/51/45, para. 101.

<sup>90</sup> A/HRC/37/72, annex III, paras. 12–15, and subsequent Commission reports.

<sup>91</sup> See common article 3 of the Geneva Conventions of 1949 and the related Commentary of 2020 (<https://ihl-databases.icrc.org/en/ihl-treaties/gciii-1949/article-3/commentary/2020?activeTab=undefined>). See also International Tribunal for the Former

Yugoslavia, *The Prosecutor v. Aleksovski*, Case No. IT-95-14/1-T, Judgment, 25 June 1999, para. 57.

<sup>92</sup> Common article 1 of the Geneva Conventions of 1949.

(b) To conduct independent, impartial and credible investigations into incidents entailing civilian casualties in which their forces are implicated to ensure that those responsible for violations are held accountable, ensure non-repetition and make their findings public;

(c) To cease torture and other cruel, inhuman or degrading treatment or punishment, including sexual and gender-based violence, in all places of detention; release those arbitrarily detained; and ensure that perpetrators of such violations are held accountable through fair trials;

(d) To cease all forms of incommunicado detention and enforced disappearances and take all feasible measures, in line with Security Council resolution 2474 (2019), to locate all those detained and/or disappeared, establish their fate or whereabouts and ensure communication with their families;

(e) To ensure safe and effective judicial avenues for victims of sexual and gender-based violence and other violations to seek redress and protection against reprisals, including by providing adequate physical protection; and increase efforts to eliminate stigmatization or discrimination against victims, including laws and practices that discriminate against women, in line with the Convention on the Elimination of All Forms of Discrimination against Women and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

(f) To respect and protect the freedom of opinion and expression, peaceful assembly, association and movement as well as property rights, including of refugees and internally displaced persons.

123. The Commission calls on the Syrian Arab Republic to immediately cease using cluster munitions in populated areas and ratify the Convention on Cluster Munitions and the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects.

124. The Commission calls upon Member States supporting or otherwise influencing parties to the conflict to take action to ensure rights-respecting and law-compliant action by the parties they support, deterring their commission of violations, in line with their obligations under customary international humanitarian law and article 1 common to the Geneva Conventions of 1949 and other relevant treaties, including:

(a) Conditioning any support to the parties on their respect of international human rights and humanitarian law standards, on their conduct of effective investigations, within the scope of holding their own forces accountable, and on them taking verifiable internal measures of compliance with international law, such as ensuring that individuals are not unlawfully deprived of their liberty through regular individual reviews for internment for continued imperative reasons of security, as well as other practical measures;<sup>93</sup>

(b) Refraining from providing arms, military support, funding or other forms of support to parties to the conflict when there are reasonable grounds to believe that such parties have committed violations of international humanitarian law, including war crimes, or where there is an expectation that such support may be used to commit or enable further violations of international humanitarian law.

125. Furthermore, the Commission recommends that States Members of the United Nations:

(a) Immediately take action to create an independent mechanism with an international mandate to coordinate and consolidate claims regarding missing persons, including persons subjected to enforced disappearance;

(b) Repatriate their nationals held in the north-east of the Syrian Arab Republic for alleged association with Da'esh, in particular children with their mothers,

<sup>93</sup> See <https://sri.icrc.org/en/practical-measures>.

**in accordance with the best interests of the child; repatriations may not happen where individuals risk arbitrary detention or physical harm, including the death penalty;**

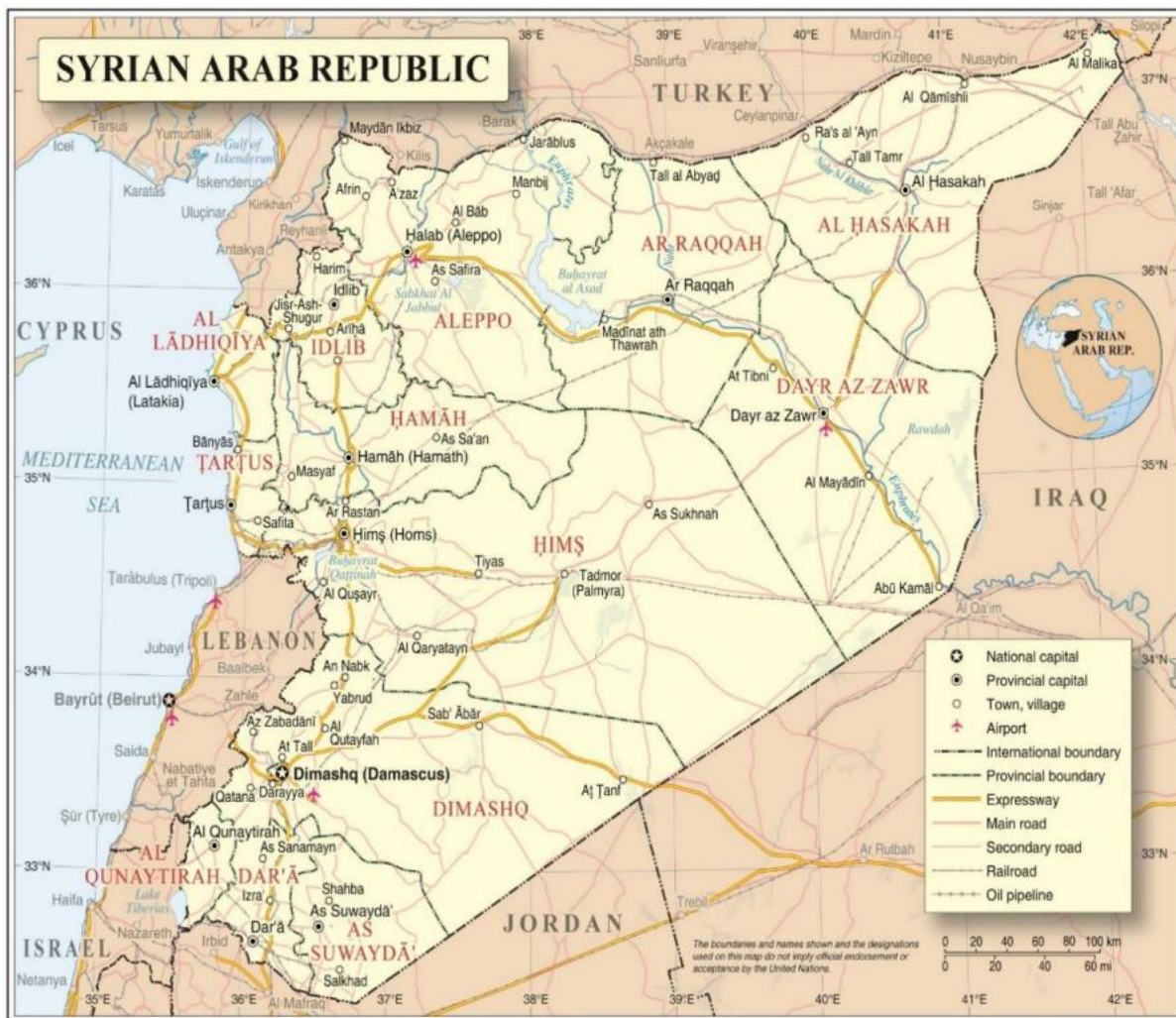
**(c) Continue seeking accountability, including by ensuring and investing in effective legislative, investigative, judicial and prosecutorial infrastructure;**

**(d) Ensure that any return of Syrian refugees is voluntary, safe, dignified, sustainable and without risk of physical harm or violation of their fundamental human rights;**

**(e) Conduct independent assessments of the impact of sanctions, with a view to mitigating unintended consequences on the daily lives of the civilian population, including by streamlining cumbersome humanitarian exemption procedures.**

Annex I

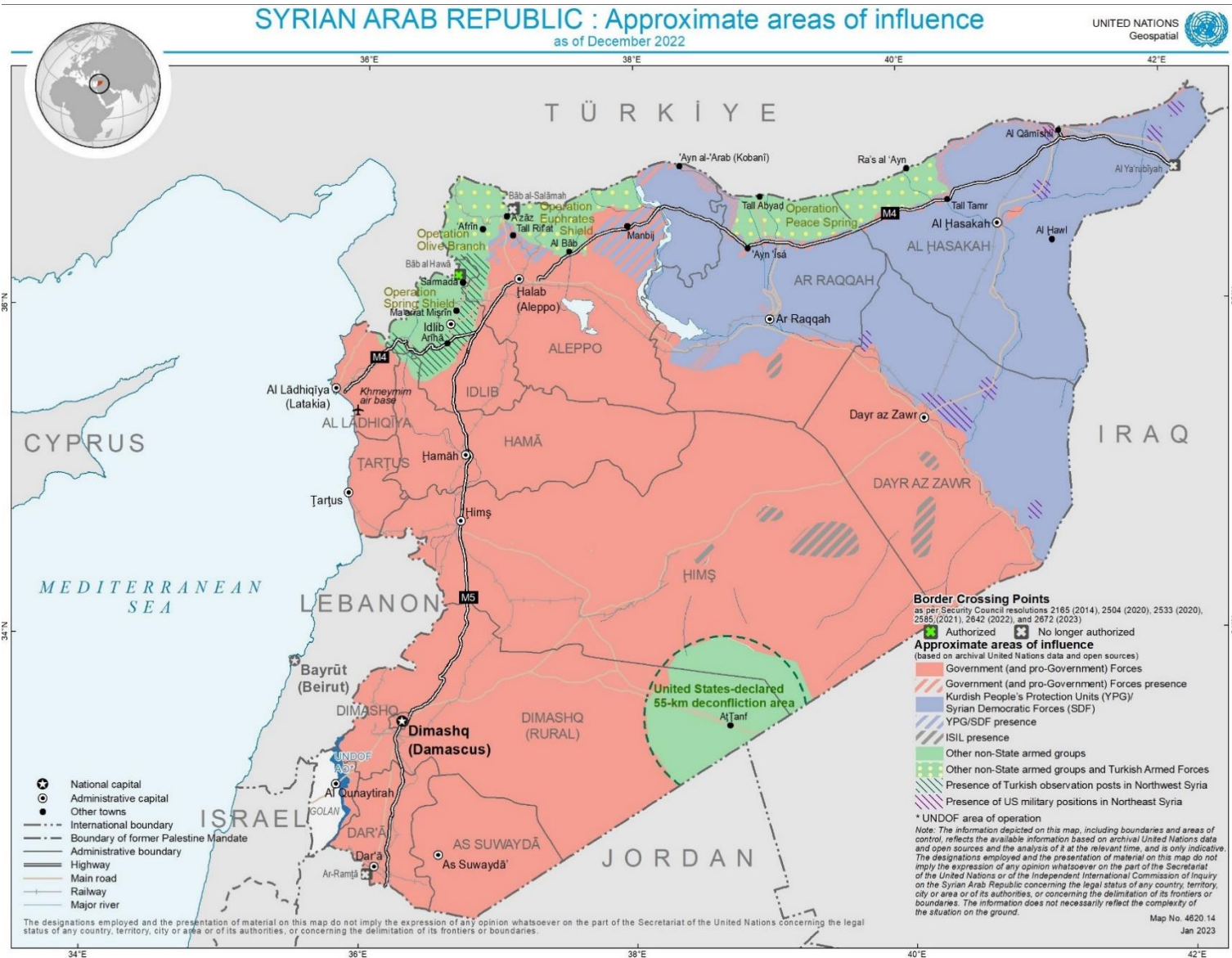
Map of the Syrian Arab Republic



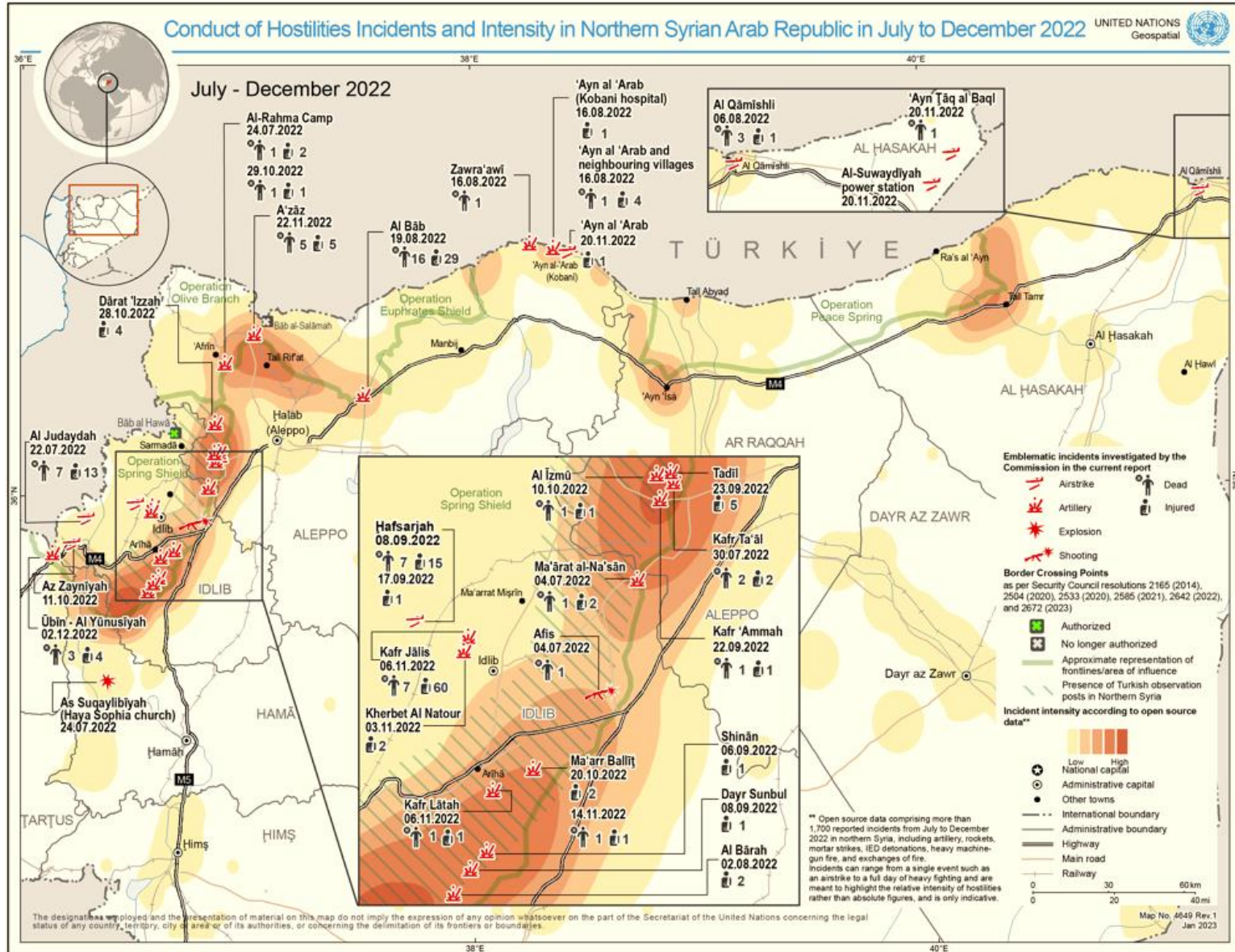
Map No. 4204 Rev. 3 UNITED NATIONS  
April 2012

Department of Field Support  
Cartographic Section

# Annex II: Approximate areas of influence – December 2022



# Annex III: Conduct of Hostilities Incidents – July–December 2022





## Annex IV

### Ground attacks in Idlib and parts of westerns Aleppo

#### A. Idlib

##### *Civilian home, 4 July, Ma'arrat al-Na'san town*

1. In the evening of 4 July, a ground attack hit a residential area in Ma'arrat al-Na'san town, killing one displaced pregnant woman and injuring her son and daughter-in-law, aged one and a half and 14 years respectively, in their home. The spouse of the victim recalled how he had already lost 11 of his relatives, including four of his children, in an air strike in 2016.
2. Photographs of the impact analysed by the Commission indicated the use of a mortar weapon, fired from the area of Miznaz town, only 2.2 kilometres from Ma'arrat al-Na'san across the frontline, where government forces are known to be present. The distance is within the range of a mortar weapon. A Turkish observation post was located around 600 meters from the affected location.

##### *Civilian home, 4 July, Afes town*

3. On 4 July, at around 7 p.m., one boy, aged almost four, died after a fragment of a bullet or munition pierced his heart while his grandmother was holding him on the doorstep of her home in Afes town. At least five other children, relatives of the victim, witnessed the events.
4. Information received by the Commission indicated that the munition was fired across the frontline from the direction of al-Duwair or Saraqib, located around four kilometres east of Afes, where pro-government forces, including Russian forces and Iranian militia, were known to be present at the time.<sup>94</sup> A Turkish observation post was located some 600 metres from the affected location.

##### *Civilian home, 6 September, Shnan village*

5. On 6 September, at 9.30 a.m., shelling injured one woman and caused damage to her home, located near a mosque on the main street in Shnan village, Jabal al Zawiyah area, Idlib. Interviewees told the Commission that the munition was fired from Government positions located to the east, in the area of Hantunin, across the frontline. No military objective was known to be located nearby.

##### *Civilian home, 8 September, Dayr Sunbul village*

6. Two days later, on 8 September, in the early afternoon, shelling hit a civilian house and injured one woman in Dayr Sunbul village, Jabal al Zawiyah area, Idlib. The munition was fired from government positions located in the area of Hantunin village/town across the frontline, south-east of the affected location. No military objective was known to be located nearby.

##### *Agricultural fields, 2 August, Barah town*

7. At around 7.30 a.m. on 2 August, one munition was fired into an agricultural field near al-Bara town, injuring two farmers and destroying their agricultural (irrigation) vehicle while they were irrigating their land. The munition hit the front side of the vehicle.
8. Victims recalled that they had routinely worked their land for the last three years, usually in the morning, when the attack took place. One witness described how he heard and then saw the munition coming towards him, while he was watering the trees. His brother, who was subsequently killed, had just exited the vehicle to bring him water.

<sup>94</sup> [A/HRC/51/45](#), para. 52.

9. Consistent with witness testimonies, satellite imagery confirmed the absence of any nearby military objective. Open-source analysis, photographs and video footage showed a flat, open agricultural field planted with trees, with a clear line of sight from government-controlled areas across the frontline, situated around 500 metres from the affected location. Investigations indicated the use of a guided heat-seeking munition fired from Government positions across the frontline to the east, with the closest positions located in Kafr Rhoumah, some 3 kilometres away.

*Agricultural fields, 20 October, Ma'arblit village*

10. On 20 October, at around noon, one munition destroyed an agricultural vehicle, and injured two boys, aged 7 and 11, while a family of 15, primarily women and children, was collecting olives near the village of Ma'arblit. The munition hit the front side of the vehicle where the engine was located, and wounded the children standing next to it.

11. One victim recalled that the family had already been working their land for three days, usually in the morning, when the attack took place. Before the olive harvest season, they had been working this land on weekly basis for the last two years. One witness recalled hearing a loud noise followed by a sudden explosion, almost five hours after the family had arrived at the field. As the family was preparing to exit the area, forced to leave their harvest behind, another munition exploded some 200 metres to the west of the first impact. Another interviewee noted the presence of a drone after the first munition was fired.

11. Satellite imagery showed two berms and a roadblock some 800 meters away from the affected location. Consistent with witness statements, photographs of the destroyed vehicle indicated the use of a guided munition, possibly fired from Government positions located to the east across the frontline, in Dadikh town.

*Agricultural fields, 3 November, Karbat al-Natour*

12. On 3 November, at around 11 a.m., shelling injured two men while they were harvesting olives, in a field near Karbat al-Natour.

*Agricultural fields, 6 November, Kafr Latah*

13. On 6 November, at approximately 4.30 p.m., artillery shelling killed one man and injured his spouse in an agricultural field near Kafr Latah. The family, including their seven children, some as young as one, had come to collect olives when one munition exploded next to the man as he was praying.

14. Satellite imagery showed a military site and vehicles approximately one kilometre way from the affected location. Interviewees told the Commission that the munition was fired from Government positions, stationed across the frontline in either Khan as-Subul or Kafr Batteikh, located some 7 to 11 kilometres away.

*Agricultural fields, 14 November, Ma'arblit town*

15. On 14 November, at 9 a.m., artillery shelling killed one man and injured his cousin while they were picking olives in an agricultural field near Ma'arblit town. Two other family members, including one woman, were also present during the attack.

16. The family had just arrived at their field some 15 minutes prior to the attack, and were picking olives when one munition exploded a few metres away from the two victims. Shelling continued, with at least five other munitions fired into the same area, while the family was trying to leave.

17. Interviewees noted that no fighting was taking place during the attack, and that shelling likely originated from Dadikh town to the east, across the frontline, located around two kilometres away. One of the victims told the Commission that a group of young men were located some 400 metres east of the affected location.

*Civilian home, 2 December, Obein village (Jisr al-Shughur)*

18. On 2 December, at around 1 p.m., one munition killed three civilians, including one boy, and injured at least four others, including one woman and a 13-year-old child, in the yard of their home in Obein. The attack took place while at least 25 family members, including 10 children, had finished their lunch and were preparing to resume work in their

fields, while children were playing outside. Interviewees described that, owing to the town's proximity to the frontline, almost all residents had already fled Obein. Some families would return occasionally to check on their properties, while others had no other option but to remain in the area because they could not afford move elsewhere.

19. Interviewees recalled that there was no military activity during the time of the attack, and that the munition, was likely fired from government positions located around one kilometre away in al-Qala.

### **Western Aleppo**

*Civilian vehicle, 30 July 2022, Kafr Ta'al village*

20. On 30 July, between 6 p.m. and 7 p.m., two artillery shells exploded on a main road near a civilian house in Kafr Ta'al village. A 5-year-old boy was killed and his father was left with a long-term physical disability, when one munition exploded two metres away from their home while they were having tea. A 12-year-old boy related to the victims died and another man was injured as they passed by the house at the time of the attack.

21. Owing to its proximity to active frontlines, the village was frequently shelled and drones were often observed, including on the day of the incident. Witnesses recalled that most of the residents had already fled Kafr Ta'al, and only those who could not afford the cost of relocating elsewhere, had remained. An armed group member alleged that the shelling was triggered when a vehicle, driven by members of the armed group, drove by the victims' home.

22. Interviewees told the Commission that the munitions were likely fired from positions of the 46th regiment of the Syrian Arab Armed Forces, located approximately three kilometres away near Urem town. Photographs of the impacted location did not show the presence of a vehicle, or the remnants thereof, to substantiate the presence of armed groups in front of the house when the munition was fired. Satellite imagery dated one day before the attack indicated the probable presence of a military site, a possible military objective, located some 270 meters to the south of the affected area.

*Civilian home, 22 September, Kafr Ammah village (near Kafr Ta'al)*

23. On 22 September, between 9 a.m. and 10 a.m., shelling killed one man and injured his 12-year-old brother, while in the garden of their home in Kafr Ammah. Two civilian vehicles, including a water truck, were also damaged. The first munition impacted around 20 metres away from the building, while the second exploded within the fenced area surrounding the house, about one metre away from where the adult victim was standing.

24. Interviewees reported that no military objective was located near the house. Information collected by the Commission, including photographs of the impact and remnants of the weapon, indicated the use of a mortar, likely 120 mm calibre, fired from positions of the 46th regiment of the Syrian Arab Armed Forces located less than two kilometres to the west of Urum al-Sughra. The distance is within the range of this weapon.

*Civilian vehicle, agricultural fields, 23 September 2022, Tadil village (near Kafr Ammah)*

25. On 23 September, at around 6.30 p.m., five family members were injured, including two women, one boy and one girl, aged 5 and 7 respectively, when a munition struck their agricultural vehicle directly, minutes after it was parked in front of their house in Tadil. The family had just returned from agricultural work in their field near Tadil.

26. The munition hit the front side of the vehicle where the engine was located, while the adult victims were walking towards their home, and the boy was still inside the car. He suffered serious injuries, including to his head and stomach, while his sister, who was standing outside next to the vehicle, suffered shrapnel wounds to her arms and legs. The vehicle was destroyed, leaving the family with no other means to transport their harvest from the field.

27. One of the victims told the Commission that less than 100 people remained in Tadil, and despite fearing for their safety, financial constraints prevented his family to leave. Relocating further away from their agricultural land would also mean losing the olive harvest, a main source of income for many, including for his family.

28. Satellite imagery and open-source analysis showed a shallow valley separating Tadil from villages to the east, including Urem al-Kubra. Information collected by the Commission, including photographs and video footage, confirmed the absence of a military objective nearby, and indicated the use of a guided missile, fired from positions of the 46th regiment of the Syrian Arab Armed Forces, located some three kilometres away to the east, near Urem al-Kubra. The vehicle was, moreover, stationed on an elevated site moving in an eastern direction, which enabled Government forces to direct fire at a visible target.

*Residential area, 10 October, Ebzimo village*

29. On 10 October, late in the evening, shelling killed one boy, aged 14, and injured his mother in front of their home near Ebzimo.

*Civilian vehicle, 28 October, Darat Izzah*

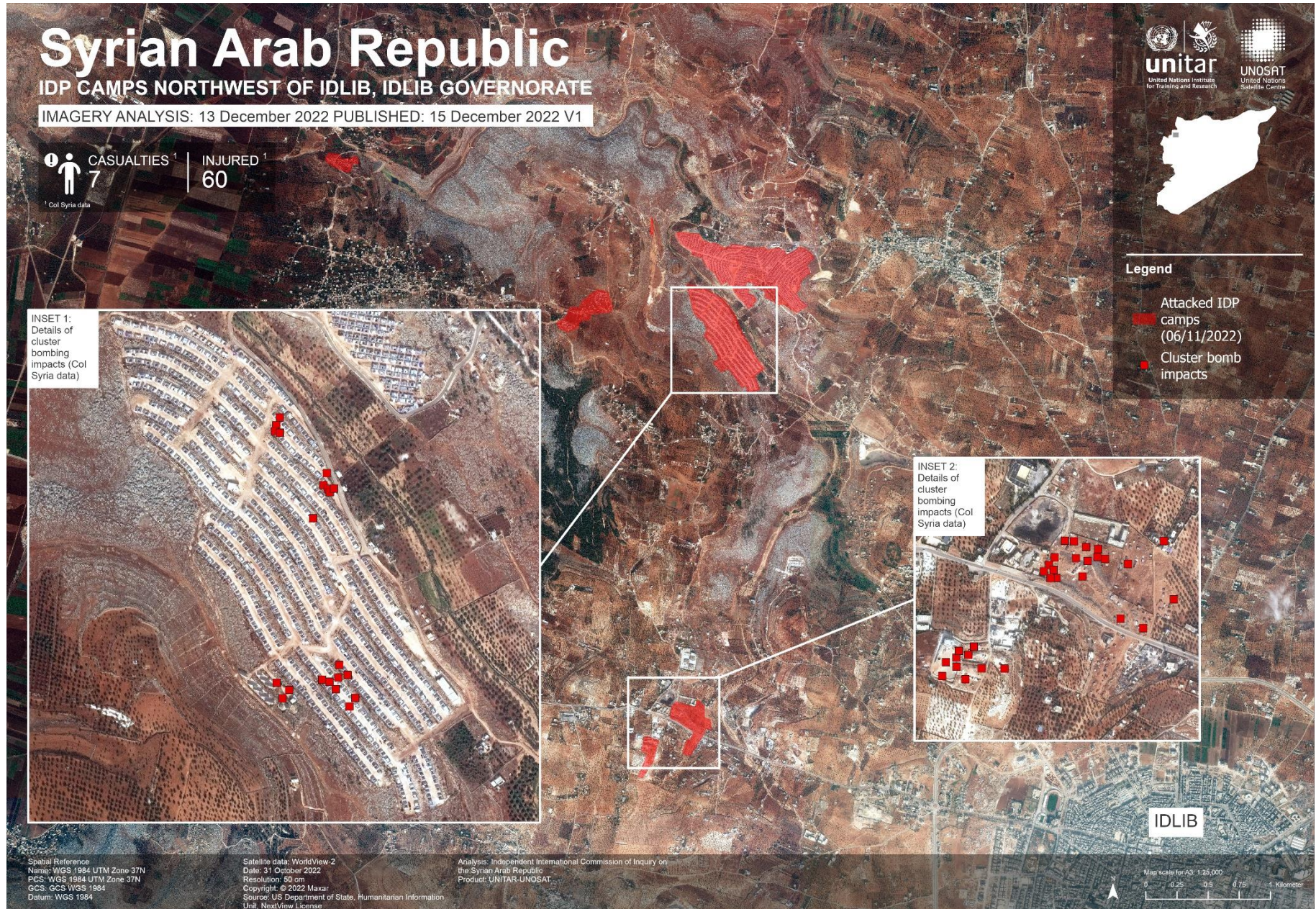
30. On 28 October, at around 4.30 p.m., two munitions – within a span of few minutes – impacted on the main road connecting Darat Izzah to Aleppo (Road 62). While the first munition did not result in any casualties, the second impacted near a civilian truck and injured three male passengers, and another man who was standing nearby. The vehicle was destroyed, along with food supplies that the family was planning on selling at a market in Dar'at Izza. One of the victims interviewed by the Commission recalled that he had used this road frequently to take his homemade food to sell at markets around the region.

31. Satellite imagery showed the presence of what appeared to be a checkpoint/observation post some 100 meters from the affected location. Interviewees told the Commission that a munition was reportedly fired from government positions in Qibtan al-Jabal, positioned between six to seven kilometres away from the affected location. One witness told the Commission that the vehicle was hit while on an elevated part of the road, and thus in the line of sight of government positions stationed near Darat Izzah. The victims frequently used this road.

# Annex V – Satellite imagery

## 1. Maram camp for displaced persons, near Kafr Jalis (see para. 25)

Analysis conducted by UNOSAT©2022 Maxar Technologies



## 2. Bab city, northern Aleppo (para. 26)

Analysis conducted by UNOSAT©2022 Maxar Technologies



## Annex VI

### Repatriation of foreign children and women from SDF-run camps in north-eastern Syria (as of 31 December 2022)

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

<sup>a</sup> Repatriations reportedly occurred during the reporting period, 1 July – 31 December 2022. In early 2023, Barbados and Spain undertook repatriation operations.

<sup>b</sup> This table does not reflect the repatriation of Iraqi nationals, who form the largest group of foreigners in SDF-run camps in north-eastern Syria.

<sup>c</sup> Countries for which the Commission received information that citizens were held and for whom there is no indication of any repatriation.

<sup>d</sup> Based on an average value due to differing information between sources.

<sup>e</sup> Eight individuals were reportedly repatriated, without specification as to the number of children and women.

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

<sup>g</sup> Figures are based on information submitted by States in response to communications by United Nations Special Procedures (<https://spcommreports.ohchr.org/Tmsearch/TMDocuments>), submissions to the Commission, and a compilation of open source data by the United Nations (until 31 December 2022).

<sup>h</sup> References to Kosovo shall be understood to be in the context of Security Council resolution 1244 (1999).

<sup>i</sup> Repatriations have reportedly occurred, without indication of the number nor profiles of individuals.

## Annex VII

## Correspondence with the Government of the Syrian Arab Republic

UNITED NATIONS



NATIONS UNIES

Independent International Commission of Inquiry on the Syrian Arab Republic

PALAIS DES NATIONS • 1211 GENEVA 10, SWITZERLAND

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Established pursuant to United Nations Human Rights Council Resolution S-17/1 (2011) and extended by resolutions 19/22 (2012), 21/26 (2012), 22/24 (2013), 25/23 (2014), 28/20 (2015), 31/17 (2016), 34/26 (2017), 37/29 (2018), 40/17 (2019), 43/28 (2020), 46/22 (2021), and 49/27 (2022)

REFERENCE: COISYRIA/58/2022

The Secretariat of the United Nations Independent International Commission of Inquiry on the Syrian Arab Republic presents its compliments to the Permanent Mission of the Syrian Arab Republic to the United Nations Office at Geneva and specialized institutions, and has the honour to refer to Human Rights Council resolutions S-17/1 establishing the Commission and 49/27, adopted on 1 April 2022, extending its mandate until 31 March 2023.

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

At present, the Commission seeks information on human rights violations and abuses in light of its upcoming mandated report to the Human Rights Council session in March 2023, which will cover events between 1 July 2022 and 31 December 2022.

In this regard, the Commission first requests any information your Government may be able to share regarding the incidents listed in the Annex I to this note (which are also included in a Note Verbale addressed to the Permanent Mission of the Russian Federation to the United Nations Office and other Specialized Institutions in Geneva). In addition to information provided on the aforementioned incidents, the Commission would welcome information concerning other attacks and shelling by armed groups and other armed actors, entailing civilian casualties, including Da'esh as well as concerning their current capacity to operate and launch attacks in Syria.

Second, pursuant to United Nations Human Rights Council Resolution A/HRC/50/19 of 8 July 2022, in which the Council requested that the Commission "consider updating its report on sexual and gender-based violence, taking a victim- and survivor-centred approach, and in particular look to make recommendations, including on broader efforts to bolster women's full, equal and meaningful participation in political and public life", the Commission seeks to obtain statistics on the prevalence of violence against women, including, but not limited to, murder, rape, battery or violent acts, including by family members, or other forms of sexual and gender-based violence. In this regard, the Commission seeks further information on measures taken to ensure women's access to justice to ensure criminal accountability for such crimes, and would welcome statistics on related criminal investigations, and judgements and sentencing. Information on whether any related sentences were mitigated for cases where the victim was a female relative of the perpetrator (e.g. under articles 192 and 242 of the Syrian Criminal Code) would also be appreciated. The Commission would also appreciate information you may have relating to measures taken to ensure the protection of victims and witnesses of such crimes, including through ensuring confidentiality for claims submitted by survivors, as well as the provision of temporary accommodation or shelters and medical and psycho-social services.

The Commission thirdly kindly reiterates its request for information regarding Legislative Decree no. 7 of 30 April 2022, in particular as it regards the application of this amnesty and poses questions for your Government's kind response in Annex II.

In this regard, the Commission notes his Excellency Permanent Representative Hussam E. Aala's statement to the Human Rights Council on 22 September 2022, referring to how Presidential Decree No. 7 of 2022's general and comprehensive amnesty for terrorist crimes committed before 30 April 2022 can facilitate the return of Syrians living outside the country, to whom its provisions apply, and who were allowed by the decree to settle their status and return without the need to contact



any official body. The Commission has received reports that while many Syrian refugees were able to return to their homes in recent months, notably from Lebanon, others who had sought to return were denied the possibility to do so. The Commission seeks information on the basis of such decisions granting or denying security clearance to return, the applicable procedure for appealing such decisions (if any), as well as information on how many people have been denied this possibility.

Related to this, the Commission also seeks information regarding the procedure through which security clearance is granted or denied to Syrians seeking to return temporarily to visit their properties in areas deemed to be used for military purposes. In particular, the Commission would welcome any information on the procedure through which such visits are granted or denied, and whether alternative housing or financial compensation is provided in cases when affected individuals were not granted authorization to access their homes.

The Commission further notes allegations of arrests and detention of refugees and displaced persons who have returned to Syria in recent months, as well as the alleged death in detention of some returnees. In this regard, the Commission also continues to seek information on measures to prevent or investigate any known alleged detention-related violations and abuses, including alleged deaths occurring in custody, as well as practical steps taken to increase human rights protections for current or former detainees and their families. For this purpose, please see the attached standard questionnaire (which the Commission previously shared in its Note Verbale numbered COISYRIA/25/2022 of 7 July) in Annex III.

In order for the information to be received and processed ahead of its next reporting obligations, the Commission would kindly request that any inputs be received by 10 December. We remain ready to discuss the most appropriate means by which to obtain the above information, including through meetings or briefings.

The Commission also takes this opportunity to reiterate its request for access to the territory of the Syrian Arab Republic to fulfil its mandate, including to facilitate dialogue in relation to requests such as contained in the present communication. The Commission further seeks to engage your Government on modalities for access to areas of the Syrian Arab Republic currently outside of Government control.

For any questions regarding the details of this request or opportunities to collaborate, please contact the Secretariat, at [ohchr-coisyria@un.org](mailto:ohchr-coisyria@un.org).

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

Geneva, 10 November



L.A.

## Annex I

**List of alleged incidents on which the Commission requests information for its upcoming mandated report to the Human Rights Council in March 2023****Attacks alleged to have occurred in Idlib governorate and western Aleppo**

- On 4 July 2022, shelling allegedly killed one woman and injured at least two children in their home in Ma'arat al-Na'asan town, Idlib governorate;
- On 4 July 2022, a fragment of a bullet allegedly killed a child, aged two and a half, in front of their home in Afes town, Idlib governorate;
- On 22 July 2022, multiple airstrikes reportedly killed at least seven civilians, including five children, and destroyed a residential house, in Jdayda town, Jusr al-Shughur, Idlib governorate. Shortly after this incident, several airstrikes reportedly hit a residential area near Jdayda town, allegedly killing one man and injuring four others;
- On 30 July 2022, shelling allegedly killed two children and injured two other civilians, including the father of one of the victims, in front of their home in Kafr Ta'al, western Aleppo;
- On 6 September 2022, a civilian woman was injured as a result of what were reported to be ground-based strikes in the town of Shanani in southern rural Idlib;
- On 8 September 2022, a civilian woman was injured, reportedly as a result of an airstrike, in the village of Dayr Sunbol in southern rural Idlib;
- On 8 September 2022, multiple airstrikes struck the outskirts of Hafsarja village, Idlib governorate, reportedly causing the death of at least seven civilians, including two children, destroying a stone workshop and other civilian properties, including a nearby residential house;
- On 17 September 2022, airstrikes allegedly injured one civilian and damaged a stone workshop in the outskirts of Hafsarja village, Idlib governorate;
- On 22 September 2022, shelling reportedly killed one man and injured a child in Kafr Amma, western Aleppo;
- On 23 September 2022, five people from the same family, including two children and two women, were injured allegedly after a Kornet missile hit their vehicle near Tadil village, western Aleppo;
- On 10 October 2022, shelling allegedly killed a child and injured his mother near their home in al-Abzimo village, western Aleppo;
- On 11 October, airstrikes allegedly damaged a poultry farm in Shakhib village Idlib governorate, partially destroying the facility and killing chicken inside. No civilian casualties were reported;
- On 20 October 2022, shelling reportedly injured two children, aged 12 and 17, while they were harvesting olives near Ma'arblit village, Idlib governorate;
- On 28 October 2022, shelling allegedly injured four civilians who were in a civilian vehicle near Dar'at Izza, western Aleppo, on their way back from harvesting olives near Dar'at Izza.
- On 6 November, ground-based strikes and airstrikes allegedly hit several areas, including IDP camps, on the outskirts of the towns of Kafr Jalis, Morin and Kafr Ruhin in western rural Idlib, as well as the areas of al Sinaa and Ariha in southern rural Idlib.

**Attacks alleged to have occurred in northern Aleppo governorate**

- On 24 July 2022, a rocket attack allegedly caused partial damage to the Kuwait al-Rahma camp, east of Aleppo, killing one man. Two others were injured, including one woman;
- On 25 July 2022, rocket shelling allegedly killed one woman near Azza'z city, Aleppo;
- On 26 July 2022, shelling in Sheikh Issa village near the town of Tel Rifaat, Aleppo governorate reportedly killed one civilian woman and injured at least three others;

- On 4 August 2022, shelling or a drone strike in Tel Rifaat town, Aleppo governorate reportedly injured at least seven civilians, including five children;
- On 16 August 2022, shelling on Zor Ava village and Ayn Al-Arab city, Aleppo governorate reportedly killed one civilian child and injured at least two other civilians;
- On 18 August 2022, a civilian man was killed as a result of what was reported to be a ground-based strike in the town of Mare'a in northern rural Aleppo;
- On 19 August 2022, rocket shelling struck multiple locations in al-Bab city, Aleppo, including a market, and reportedly caused the death of at least 16 civilians, and injured at least 30 more, including children;
- On 24 August 2022, a drone strike on Tel Rifa'at town, Aleppo governorate reportedly killed at least three civilians, including one woman, and injured at least five others;
- On 3 October 2022, shelling on Qaramogh village near Ayn Al-Arab, Aleppo governorate reportedly injured two civilians;
- On 13 October 2022, shelling allegedly killed one woman near al-Hikmah hospital in al-Bab city, Aleppo;
- On 18 October 2022, six men were injured after shelling allegedly hit their van as they arrived at the al-Homran crossing point, Aleppo governorate;
- On 29 October 2022, one woman was killed and her son and spouse injured in an alleged rocket shelling attack on Kuwait al-Rahma camp, east of Afrin city, Aleppo governorate.

**Attacks and other incidents alleged to have occurred in Dayr Az Zawr, Raqqah and Hasakah governorates**

- On 4 July 2022, shelling in Al-Hoshan village near Ain Issa, Raqqah governorate reportedly killed at least one civilian and injured at least two others;
- On 4 July 2022, airstrikes allegedly killed at least two children in Al-Zerr town, Dayr Az Zawr governorate;
- On 24 July 2022, shelling in Al-Asadiya village near the town of Abu Rasayn, Hasakah governorate reportedly injured four civilians, including two children;
- On 24 July 2022, shelling in Al-Mujbaira village near the town of Tel Tamr, Hasakah governorate reportedly killed one civilian and injured at least four others, including two women;
- On 26 July 2022, shelling or drone strike in Sayda village near the town of Ain Issa, Raqqah governorate reportedly killed one civilian and injured one other;
- On 30 July 2022, shelling in Um Al Khair village near the town of Tel Tamr, Hasakah governorate reportedly injured at least seven civilians, including one child;
- On 6 August 2022, drone strike in Qamishli city, Hasakah governorate reportedly killed at least two civilian children and injured at least two adult civilians;
- On 9 August 2022, shelling in Al-Salmasa town near the town of Tel Tamr, Hasakah governorate reportedly killed one civilian;
- On 9 August 2022, shelling on Sikirka village near Qamishli city, Hasakah governorate reportedly injured six civilians;
- On 18 August 2022, an alleged drone strike on Shamouka village in the countryside of Hasakah, Hasakah governorate killed five civilian girls and injured at least 11 others;
- On 20 September 2022, shelling or drone strike on Al Suwaidiya village near the town of Ain Issa, Raqqah governorate reportedly killed up to two civilians and injured up to three others;
- On 20 September 2022, three civilians, including one child, were reportedly killed in airstrikes in al-Baydar village, Raqqah governorate. At least one civilian was allegedly injured;
- On 27 September 2022 in the afternoon, shelling on Al-Msheirfah village near the town of Abu Rasayn, Hasakah governorate reportedly killed two civilian children and injured at least four other civilians;

- On 28 September 2022, police and individuals carrying the flag of the so-called “Revolutionary Youth” (Tevgera Ciwanên Şoreşger) allegedly drove vehicles into a civilian protest in Qamishli city, beating protestors and preventing journalists from covering the events (allegedly injuring one);
- On 3 October 2022, shelling on Tal Al-Laban village near the town of Tel Tamr, Hasakah governorate reportedly injured four civilians;
- On 4 October 2022, shelling on Al-Matmoura village near the town of Abu Rasayn, Hasakah governorate reportedly injured two civilians;
- On 5 October 2022, civilians were allegedly shot at, beaten and stolen money from at a crossing point in Buqurus town, Dayr Az-Zawr governorate. At least one child was reportedly injured as a result;
- On 14 October 2022, shelling on Al-Fakkah village near the town of Tel Tamr, Hasakah governorate reportedly injured two civilians;
- On 27 October, airstrikes in Al Hwaija village in Dayr Az Zawr governorate, reportedly resulted in the death of one woman and the injury of two other civilians;
- Since July 2022, recruitment of children, including girls, for participation in hostilities was reported.

#### **Attacks and other incidents in Damascus, Hama, al-Sweida, Dar’a, Latakia, Tartous**

- On 2 July, airstrikes reportedly struck al-Hamidiyah area, south of Tartous, Latakia, injuring two civilians, including one woman;
- On 17 July 2022, an attack by unidentified assailants allegedly resulted in the death of one civilian woman and the injury of at least one child in Tafas, west of Dar’a;
- On 24 July 2022, a drone reportedly struck the Hagia Sophia church in Suqaylabyeh, Hama governorate, during an inauguration ceremony; one man was allegedly killed and at least seven others were injured;
- On 27 and 28 July 2022, military clashes in al-Sweida allegedly resulted in the death of 17 civilians and the injury of dozens in Salim and Atil towns;
- On 25 August, airstrikes reportedly injured two civilians in Masyaf village, Hama governorate;
- On 31 August, airstrikes allegedly impacted the international airports in both Aleppo and Damascus as well as the Damascus-Dar’a highway and al-Kiswash, injuring two civilians;
- On 6 September, airstrikes allegedly hit the runway of Aleppo International Airport and its surroundings, rendering it out of service;
- On 25 September, a number of survivors of a capsized boat off the Syrian coast, near Tartous, were reportedly arrested;
- On 1 November 2022, clashes between Government forces and alleged members of Da’esh allegedly resulted in the death of a child in Dar’a governorate;
- On 11 September 2022, one child was killed and two others were reportedly injured near Abtaa, Dar’a, due to an unexploded ordinance explosion;
- On 16 October, one civilian man was allegedly killed by unknown men in Ain Takar village, Dar’a.

In this context, the most useful forms of assistance are the facilitation of unrestricted access to witnesses or victims known to your Government and the provision of primary source materials, photographs and assessments of any munition remnants, forensic data, expert, military and/or forensic reports on violations of international humanitarian and human rights law, satellite or digital imagery of incident sites, as well as maps and any other relevant documentation, including contextual and intelligence information that your Government could share with the Commission.

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## Annex II

### Questions regarding Legislative Decree n.7, dated April 30, 2022

The Commission would appreciate additional information regarding Legislative Decree n.7, dated April 30, 2022 issued by President Bashar al-Assad granting a general amnesty for terrorist crimes committed by Syrians before April 2022, in particular regarding the following questions:

#### 1. Questions regarding the release procedure:

- a) Which authority is competent to determine who should be released?
- b) How are families informed, including those living abroad, of the release of their relatives?
- c) What documents are detainees provided with upon release in order to attest to their identity, the applicability of the amnesty and their release?
- d) Has the Syrian Government considered coordinating the releases with an independent detention monitoring body to ensure that the process is transparent and conducted in a way that respects the rights of the detainees and their families?

#### 2. Questions regarding the beneficiaries of the Amnesty Decree

- a) How many detainees have already been released following the issuance of the current Decree? Where and when have they been arrested and where had they been most recently detained?
  - o How many women detainees have been released and/or will benefit from the current Decree?
  - o How many children detainees (under the age of 18) have been released and/or will benefit from the current Decree?
- b) How many of the detainees benefitting from the amnesty had been convicted under Law 19 of 2012 and/or laws 305 and 306 that were applicable before 2012, and based on what charges?
- c) Does the Amnesty Decree also apply to those charged in absentia and who are currently living abroad or otherwise outside Government-controlled areas (in territories under the control of SNA, HTS and SDF)?
- d) If so, regarding individuals living abroad, how have they been informed?
- e) Do they need to seek any document from the embassy in the country they are residing to prove the applicability of the amnesty before their return (to ensure that they will not be arrested upon return to Syria)? Alternatively, can their families residing in Syria request to issue a document/certificate regarding the applicability of the amnesty from the competent authorities for them on their behalf?
- f) Does the Amnesty Decree include defectors (military/political defectors)?
- g) How many individuals have so far been excluded under the Decree's exclusion clauses:
- h) Crimes leading to the death of a human being as provided for under Act No. 19 (2012) concerning counter-terrorism;
- i) Crimes under the Penal code promulgated by Legislative Decree No. 148 (1949) and amendments thereto.
- j) Is any future Amnesty Decree planned in relation to other specific crimes, apart from terrorism, such as political or security crimes?

#### 3. Questions regarding the impact of the Amnesty Decree on the released person:

- a) What is the status of former detainees having benefitted from the Amnesty Decree in terms of their security record and the security clearance process?
- b) What is the impact of the Amnesty Decree on the freezing of funds, confiscation of property and related measures, taken pursuant to Article 11 and 12 of Law 19 of 2012? Are the released detainees, and their families free to dispose of their assets? If so, are the detainees duly informed of how and where to address related claims?
- c) Upon their release, are the released detainees informed on how and where to address possible claims regarding their treatment in detention, including ill-treatment, torture and sexual violence? What procedural guarantees have been put in place to ensure a prompt and effective investigation, as well as prosecution and punishment of those found responsible for committing such violations? What are the avenues for reparations in this regard?
- d) Are there any measures of rehabilitation in place in order to support the social reintegration of the released detainees?

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### Annex III

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

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

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

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

In particular, the Commission would appreciate receiving:

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

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

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

4. Annual statistical data per year - disaggregated by sex, ethnic/national origin, and age category (under 18, 18-65, over 65 years of age) - on the number of pre-trial detainees and convicted prisoners and the occupancy rate at all places of detention that you operate or control inside the Syrian Arab Republic, including:
  - a) The name, location, size (in terms of detainee capacity and square meters) of each place of detention, including specialised detention facilities (e.g., juvenile detention centres, women's detention centres, medical facilities with the capacity to hold detainees).
  - b) Number of persons held in relation to political or security crimes, including terrorism-related offenses and offenses related to violations of the laws of war, versus persons detained for 'ordinary' crimes
5. Annual statistical data per year regarding persons released from detention and the total length of time detained upon release, disaggregated by age, gender, and pre-trial or post-conviction status.
  - a) As a subset of the total number of persons released from detention, the number of persons released on the basis of amnesties adopted between March 2011 and the present.
6. Annual statistical data per year regarding deaths in custody, and information on the manner in which those deaths were investigated.
7. Annual statistical data per year regarding transfers or extraditions of detainees or prisoners from the territory of the Syrian Arab Republic to other locations.

8. Information regarding children in detention, whether such detention has been used as a measure of last resort and limited to the shortest possible period, and measures taken to ensure that juveniles are separated from adults in all places of detention.

**Prevention of detention-related violations or abuses:**

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

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

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

**Other:**

19. Information regarding measures taken to implement recommendations made with respect to detention by the Commission of Inquiry,<sup>1</sup> other UN human rights mechanisms or other relevant bodies since March 2011.

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