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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*

Grave violations of human rights and humanitarian law continued across the Syrian Arab Republic, in government-held areas and areas controlled by non-State actors, during the first half of 2023. The humanitarian and economic situation continued to deteriorate, with over 15 million Syrians in need of humanitarian assistance. Despite the devastation caused by earthquakes in February, after a brief lull, fighting resumed among parties to the conflict. Diplomatic rapprochement between the Government and countries in the region accelerated rapidly. Repression and extortion continued, also affecting returnees. In the north-east, an estimated 62,000 Syrian and foreign men, women and children remained in detention camps and prisons, while child recruitment continued.

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\* 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. The present report of the Independent International Commission of Inquiry on the Syrian Arab Republic<sup>1</sup> covers the period from 1 January to 30 June 2023. Pursuant to its established methodology and guided by standard practices of commissions of inquiry and human rights investigations, the report is based on 447 first-hand interviews, conducted either in person or remotely. In addition, documents, reports, forensic pathology analysis, photographs, videos and satellite imagery from multiple sources were collected and analysed. 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>2</sup>

2. The standard of proof was deemed 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. Furthermore, 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 Syrian Arab Republic and by protection concerns in relation to interviewees. Guided by the principle of "do no harm", details that could identify interviewees have been omitted. The Commission thanks those who provided information, particularly victims and witnesses.

## II. Political and military developments

4. During the reporting period, the humanitarian and economic situation in the Syrian Arab Republic (see annex I) continued to deteriorate, with increasing numbers of Syrians relying on humanitarian aid to survive. The 7.8 magnitude earthquake that hit the Syrian Arab Republic and Türkiye on 6 February and continuing aftershocks added further hardship to a population already reeling from over a decade of conflict (see annex II). While lifesaving aid from States in the region flowed to government-controlled areas, the limited response of the international community, including the United Nations, in the immediate aftermath to the worst hit areas in the north and north-west Syrian Arab Republic caused significant outrage and was widely seen as entirely inadequate (see sect. III).

5. On 10 July, Security Council resolution 2672 (2023) authorizing the delivery of humanitarian assistance through the border crossing at Bab al-Hawa expired when the Council failed to agree on its extension. On 13 July, the Government authorized the United Nations to use the crossing to deliver humanitarian aid for six months, while setting unworkable conditions which appeared to contradict international humanitarian law rules concerning legitimate conditions on humanitarian access.<sup>3</sup> On 13 February, the Government had authorized delivery of earthquake relief through two additional border crossings, at Bab al-Salam and Ra'i, initially for three months, then renewed until 13 August.<sup>4</sup> Between 14 February and 31 May, the United Nations completed 116 cross-border inter-agency missions to north-west Syrian Arab Republic and delivered 2,397 truckloads of aid.<sup>5</sup> Another 893 trucks were sent in June.<sup>6</sup> In contrast, cross-line aid delivery into the north-west remained

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

<sup>2</sup> The Commission sought information from the Government on issues and incidents (annex VI) but received no reply. Six of the Government's periodical identical letters to the Secretary-General and others, sent between 1 January and 30 June 2023, were analysed. The Commission also addressed 84 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>3</sup> See <https://www.unocha.org/news/ocha-urges-security-council-focus-urgent-needs-people-syria>.

<sup>4</sup> See <https://www.un.org/sg/en/content/sg/statement/2023-02-13/statement-the-secretary-general-opening-of-crossing-points>.

<sup>5</sup> S/2023/464, para. 55.

<sup>6</sup> See <https://reliefweb.int/report/syrian-arab-republic/northwest-syria-factsheet-27-july-2023>.

limited, with one convoy in January and one at the end of June – only the eleventh since July 2021.<sup>7</sup> The Secretary-General called on all parties concerned to “secure the approvals and security guarantees necessary for cross-line assistance” and noted that the Security Council’s extension of the cross-border authorization for at least 12 months remained indispensable.<sup>8</sup>

6. In June, a humanitarian convoy containing mostly agricultural supplies, equipment and school supplies arrived at Rukban Camp, having transited through the base of the United States of America in Tanf. Since September 2019, the United Nations has remained without humanitarian access to up to 10,500 people living in dire conditions there.<sup>9</sup>

7. The Commission has repeatedly called for aid delivery to be based on a transparent and impartial humanitarian assessment, for humanitarian access authorizations not to be politicized,<sup>10</sup> and for the removal of all obstacles to aid delivery, including those caused by unilateral coercive measures, even if unintentionally.<sup>11</sup> The decision made in February by the United States and the European Union, among others, to issue temporary exemptions for all transactions relating to aid relief to the Syrian Arab Republic, was therefore timely. However, the negative impact of unilateral coercive measures on the population countrywide, including through over-compliance, needs regular review.

8. Concerning security, the March 2020 front lines largely persisted (see annex III), despite continued mutual attacks between Hay’at Tahrir al-Sham<sup>12</sup> and pro-government forces (see sect. V); and between Syrian Democratic Forces,<sup>13</sup> Türkiye and the Syrian National Army<sup>14</sup> (see sects. VI and VII). Da’esh<sup>15</sup> still posed a threat to civilians, conducting asymmetrical attacks in the east and the south. Landmines and explosions claimed the lives of civilians in several regions. Five foreign armies remained present.<sup>16</sup> Israel reportedly conducted 16 airstrikes in the Syrian Arab Republic during the reporting period, including on Aleppo and Damascus international airports.<sup>17</sup> According to the new Israeli Defense Minister, the attacks on Iranian targets in the Syrian Arab Republic doubled, starting in December 2022.<sup>18</sup> At least five persons, including two civilians, were killed and many more injured in a suspected Israeli airstrike on an underground structure in a high-security residential complex in the Kafr Susah suburb of Damascus on 19 February.<sup>19</sup>

9. Efforts towards diplomatic rapprochement between the Government and countries in the region, under way since at least 2018, accelerated rapidly following the earthquakes, reflecting political realignments across the region. Driven by a desire to restore stability in the Syrian Arab Republic and address national security and economic interests in the face of a persistently stalled political process and growing drug trade,<sup>20</sup> States in the region convened in April and May to discuss an Arab-led initiative aimed at resolving the Syrian crisis. Separate quadrilateral discussions between Iran (Islamic Republic of), the Russian

<sup>7</sup> See [https://twitter.com/OCHA\\_Syria/status/1672157296909078528?s=20](https://twitter.com/OCHA_Syria/status/1672157296909078528?s=20); and S/2023/284, para. 62.

<sup>8</sup> S/2023/464, para. 61.

<sup>9</sup> Ibid., para. 17.

<sup>10</sup> A/HRC/52/69, para. 7.

<sup>11</sup> See <https://www.ohchr.org/en/press-releases/2022/05/un-syria-commission-calls-security-council-ensure-live-saving-humanitarian>.

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

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

<sup>15</sup> The Commission continues to regard the group, also known as Islamic State in Iraq and the Levant (ISIL), as a terrorist entity as designated by the Security Council in its resolution 2253 (2015), with links to Al-Qaida globally.

<sup>16</sup> See [https://specialenvoysyria.unmissions.org/sites/default/files/2023-07-24\\_secco\\_un\\_special\\_envoy\\_for\\_syria\\_mr\\_geir\\_o\\_pedersen\\_briefing\\_as\\_delivered.pdf](https://specialenvoysyria.unmissions.org/sites/default/files/2023-07-24_secco_un_special_envoy_for_syria_mr_geir_o_pedersen_briefing_as_delivered.pdf). The five are Israel, Iran (Islamic Republic of), Russian Federation, Türkiye and United States. Jordan also reportedly carried out air strikes (see sect. IV).

<sup>17</sup> Regular United Nations mandated reports described continuing Israeli violations of international law in the occupied Syrian Golan, e.g. A/77/501, A/77/520 and A/HRC/52/77.

<sup>18</sup> See <https://www.youtube.com/watch?v=wSWirZXa9GY>, at 4:58 (in Hebrew).

<sup>19</sup> See e.g. A/77/762-S/2023/123.

<sup>20</sup> See [https://www.unodc.org/res/WDR-2023/WDR23\\_Exsum\\_fin\\_SP.pdf](https://www.unodc.org/res/WDR-2023/WDR23_Exsum_fin_SP.pdf).

Federation, the Syrian Arab Republic and Türkiye were also held at various levels, including in Moscow in May and on the margins of the twentieth round of talks in the Astana format.

10. In an extraordinary meeting of the Council of Foreign Ministers of the League of Arab States, held in Cairo on 7 May, a decision was taken to readmit the Syrian Arab Republic to the League, after its suspension in 2011. The League stressed the need to take practical and effective steps to move gradually towards resolving the crisis, taking a step-by-step approach and in line with Security Council resolution 2254 (2015). Resolution 8914 of the League established a ministerial liaison committee composed of Egypt, Iraq, Jordan, Lebanon and the Secretary-General of the League to “dialogue with the government of Syria in order to reach a comprehensive solution to the Syrian crisis that addresses all of its repercussions”. On 19 May, the President of the Syrian Arab Republic, Bashar al-Assad, attended the League’s summit in Jeddah, Saudi Arabia.

11. While resolution 8914 emphasized “the refugee crisis and the threats of terrorism and drug trafficking”, the Commission was dismayed to see little reference to the extensively documented human rights concerns which are at the root of the conflict.<sup>21</sup> The Syrian opposition, among others, rejected the League’s decision, while some Syrian activists characterized it as a betrayal of all the victims of the Government’s violations and war crimes.

12. Regional discussions also called for enhanced coordination between the Government of the Syrian Arab Republic, host States and the United Nations to organize voluntary and safe returns of refugees according to a timetable. It is critical to ensure that any agreement to return refugees addresses their protection concerns. Reduction of violence is not in itself a sufficient criterion to guarantee safe return, as individual persecution is widespread.<sup>22</sup> In addition, conscription and military service concerns must be addressed in a non-discriminatory manner, with returnees also benefiting from related amnesty decrees. According to the Office of the United Nations High Commissioner for Refugees, only 1.1 per cent of refugees surveyed stated their intention to return to the Syrian Arab Republic over the next 12 months.<sup>23</sup>

13. On 8 June, Canada and the Netherlands (Kingdom of the) instituted proceedings against the Syrian Arab Republic before the International Court of Justice for violations of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,<sup>24</sup> which the Commission has extensively documented.<sup>25</sup> This landmark proceeding to hold the State of the Syrian Arab Republic accountable for the tens of thousands of people who have been tortured and ill-treated in government detention facilities is a welcome step. Attempts at individual criminal accountability for international crimes also continued. German and Swedish courts announced war crimes convictions, and civil and criminal cases were advancing in several other jurisdictions. In May, the court of cassation in France allowed the continuation of universal jurisdiction proceedings in the French justice system, and in July a former leader of Jaysh al-Islam (Army of Islam) was committed to trial on war crimes charges.

14. On 29 June, the General Assembly decided to establish an independent institution to clarify the fate and whereabouts of all missing persons in the Syrian Arab Republic.<sup>26</sup> The Commission has long supported the efforts of the families advocating for such an entity for the missing and disappeared in the Syrian Arab Republic and welcomes this development.<sup>27</sup>

<sup>21</sup> See <https://www.ohchr.org/en/statements/2023/07/statement-paulo-pinheiro-chair-independent-international-commission-inquiry>.

<sup>22</sup> Conference room paper of the Commission entitled: “No End in Sight: Torture and ill-treatment in the Syrian Arab Republic 2020–2023”, available at <https://www.ohchr.org/en/hr-bodies/hrc/iici-syria/documentation>, paras. 73–77.

<sup>23</sup> See <https://data2.unhcr.org/en/documents/details/100851>.

<sup>24</sup> See <https://www.icj-cij.org/case/188>.

<sup>25</sup> E.g., conference room paper of the Commission entitled: “Out of Sight, Out of Mind: Deaths in Detention in the Syrian Arab Republic”, available at <https://www.ohchr.org/en/hr-bodies/hrc/iici-syria/documentation>; A/HRC/46/55; and “No End in Sight”.

<sup>26</sup> General Assembly resolution 77/301.

<sup>27</sup> See [https://www.ohchr.org/sites/default/files/2022-06/PolicyPaperSyriasMissingAndDisappeared\\_17June2022\\_EN.pdf](https://www.ohchr.org/sites/default/files/2022-06/PolicyPaperSyriasMissingAndDisappeared_17June2022_EN.pdf).

### III. Post-earthquake humanitarian assistance

15. The massive earthquakes in February demonstrated the continuation of significant challenges to deliver aid in the deeply complex and politically fraught context of the Syrian Arab Republic.<sup>28</sup> The response effort was characterized by failures that hindered the delivery of urgent aid to the north-west, implicating the Government and other parties to the conflict, as well as the international community and the United Nations. They failed to allow and facilitate life-saving aid, including rescue teams and equipment, through any available route in the vital first week after the earthquake. Many, including the Commission, called for an inquiry into these failings and for a review that would ensure non-repetition.<sup>29</sup>

16. The further failure to renew the cross-border mechanism and its apparent replacement with additional ad hoc arrangements will further endanger critical life-saving support to the 4.1 million people living in the earthquake-impacted north-west – 80 per cent of whom are women and children – who rely on United Nations cross-border humanitarian assistance to meet their most basic needs.<sup>30</sup>

17. The Commission received multiple reports of aid diversion, extortion and corruption, and documented aid obstruction and interference in aid delivery in the immediate aftermath of the earthquake. The Government did not initially allow any additional border-crossings for humanitarian assistance into the north-west, suggesting instead that humanitarian assistance be delivered cross-line. Additional border crossings for humanitarian aid into the north-west were authorized only a week after the earthquake.<sup>31</sup>

18. Following the earthquakes, the Government also continued to apply measures that placed severe bureaucratic burdens on international non-governmental organizations seeking to provide humanitarian aid to affected people. This included restrictions on storage and distribution, and control over who the beneficiaries would be. The Syrian Arab Army's obstruction of supplies to the earthquake-impacted, predominantly Kurdish, enclaves of Shaykh Maqsd and Ashrafiyah in northern Aleppo city also continued.

19. Other parties to the conflict obstructed efforts to deliver humanitarian aid cross-line. Hay'at Tahrir al-Sham leaders publicly refused to allow aid from the Government into the north-west, citing a lack of capacity to facilitate aid delivery and politicization of aid. A convoy carrying fuel from the Syrian Democratic Forces-linked autonomous administration in the north-east (referred to as the self-administration)<sup>32</sup> to communities in Syrian National Army-controlled Afrin was refused entry by the authorities on 10 February, citing concerns of it being politicized.<sup>33</sup>

20. Airstrikes on Aleppo international airport on 7 March have been widely attributed to Israel.<sup>34</sup> According to the United Nations Resident Coordinator in the Syrian Arab Republic, this forced the airport to be shut down for some days, all United Nations Humanitarian Air Service flights suspended and other flights carrying earthquake aid to Damascus or

<sup>28</sup> A/HRC/25/65, para. 132; A/HRC/27/60, para. 123; A/HRC/34/64, para. 88; conference room paper of the Commission entitled: "The siege and recapture of eastern Ghouta", para. 27; A/HRC/23/58, para. 142; A/HRC/25/65, para. 141; A/HRC/34/64, para. 102; and conference room paper of the Commission entitled: "Human rights abuses and international humanitarian law violations in the Syrian Arab Republic, 21 July 2016–28 February 2017", para. 45. Conference room papers are available at <https://www.ohchr.org/en/hr-bodies/hrc/iici-syria/documentation>.

<sup>29</sup> See <https://www.ohchr.org/en/press-releases/2023/03/epicentre-neglect-protection-civilians-syria-remains-illusion-says-un-syria>.

<sup>30</sup> S/2023/419, para. 75.

<sup>31</sup> See <https://www.un.org/sg/en/content/sg/statement/2023-02-13/statement-the-secretary-general-opening-of-crossing-points>.

<sup>32</sup> A/HRC/45/31, para. 12.

<sup>33</sup> See <https://twitter.com/STMAbdurrahman/status/1623702668811153408?s=20>.

<sup>34</sup> A/77/795–S/2023/181.

Ladhiqiyah diverted.<sup>35</sup> Further attacks in April and May led to temporary suspension of United Nations Humanitarian Air Service flights.<sup>36</sup>

### *Findings*

21. Under international humanitarian law, the parties to the conflict must allow and facilitate rapid and unimpeded passage of humanitarian relief for civilians in need and must not arbitrarily withhold consent to such relief.<sup>37</sup> The Government and the non-State armed groups had the responsibility to allow impartial humanitarian assistance to reach all those in need following the earthquake. Political or ideological differences are not valid reasons to withhold consent for allowing impartial humanitarian assistance for those in need, provided it is conducted without any adverse distinction. Delays, bureaucratic hurdles and imposition of additional, potentially excessive, requirements on humanitarian aid raise concerns regarding international humanitarian law violations by the Government. Suspected Israeli airstrikes rendering key transport infrastructure inoperable in the aftermath of the earthquakes also raise concerns regarding proportionality, including foreseeable reverberating effects on humanitarian assistance. By refusing to allow urgently required impartial humanitarian aid from the Government and other parties to people in need in the north-west and the north, Hay'at Tahrir al-Sham and the Syrian National Army also violated their international humanitarian law obligations.

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

### **A. Continued insecurity**

#### **Southern Syrian Arab Republic: Suwayda' and Dar'a**

22. Insecurity prevailed in southern Syrian Arab Republic, notably relating to reports of ongoing drug trafficking. On 8 May, an airstrike on a house in Al-Sha'ab village, east of Suwayda', widely attributed to the Royal Jordanian Air Force, killed seven civilians, including a man accused of drug trafficking, his wife and five children, and injured another child. While there has been no claim of responsibility, the strike came shortly after Jordan warned that it would take military action inside the Syrian Arab Republic to address drug trafficking.<sup>38</sup>

23. Unrest affecting civilians continued in Dar'a governorate. Airstrikes were carried out by the Syrian Arab Air Force in western Dar'a on 27 June – the first in five years – followed by military raids on Tafas and Nawa, where large numbers of former opposition fighters who refuse to “reconcile” remain. Clashes were also reported in June between the Eighth Brigade of the Fifth Corps of the Syrian Arab Army and armed groups.

24. Attacks reportedly also continued to target individuals affiliated with the Syrian security apparatus, pro-government figures, “reconciled” opposition fighters and civilians. On 16 May, a judge was shot in front of his house in Izra' city by unknown individuals and died in hospital. Reportedly, he was threatened prior to the attack. The Government announced it had initiated an investigation.<sup>39</sup>

#### **Central Syrian Arab Republic**

25. In the central Syrian desert, scores of civilians have been killed since January. The region is under the control of multiple pro-government forces (including Iranian militia such as al-Fatimiyun),<sup>40</sup> and Da'esh regularly exploits the power vacuum in rural areas. In addition

<sup>35</sup> See <https://reliefweb.int/report/syrian-arab-republic/united-nations-resident-coordinator-and-humanitarian-coordinator-ad-interim-syria-el-mostafa-benlamlah-statement-aleppo-international-airport-strikes>.

<sup>36</sup> S/2023/464, para. 8.

<sup>37</sup> See <https://ihl-databases.icrc.org/en/customary-ihl/v1>, rule 55.

<sup>38</sup> See <https://twitter.com/ajmubasher/status/1654965398268260356>, at 1:40.

<sup>39</sup> See <https://sana.sy/?p=1895120> (in Arabic).

<sup>40</sup> A/HRC/34/64, para. 23.

to increased mine-related incidents, attacks against desert truffle-gatherers and herders increased significantly, amid an abundant truffle season, combined with an increasingly desperate economic situation. More than 10 attacks occurred between February and April alone between the north and south-west of Dayr al-Zawr, eastern Tadmur (Homs) and rural Salamiyah (Hama).

26. Government authorities have consistently warned truffle-gatherers of persistent Da'esh activity. However, unlike previous years, gathering truffles was not banned in 2023. To provide the required "security clearances" for truffle-gatherers, intermediaries with ties to government agencies, including Military Intelligence Branch 221, requested payments in addition to up to 50 per cent of the harvest or its value. Most truffle-gatherers received only limited protection from the National Defence Forces,<sup>41</sup> and in some instances, from the Syrian Arab Army or civilian police.

27. On 17 February, dozens of civilian truffle-gatherers, including at least two children,<sup>42</sup> were killed and others injured in the desert, south-east of Sukhnah (Homs). Military escorts, present on previous days, were absent, although a few soldiers also gathered truffles. A survivor described how one group of truffle-gatherers was rounded up by unidentified individuals driving motorbikes and pickup trucks. Some of them were set free, while approximately 30 men were each shot in the head and at least six women were shot at haphazardly.

28. On 9 March, 12 male truffle-gathers from the Al-Bo Saraya tribe, including National Defence Force members, went missing in the Jabal Bishri desert (Dayr al-Zawr) after their group was ambushed by unidentified individuals driving motorbikes. Four of the men were found killed nearby on 25 March, while six others were similarly found killed on 27 March. At least one had been shot in the head. On 19 March, a larger group of Al-Bo Saraya tribe truffle-gathers was attacked by unidentified individuals between Jabel al Nadhira and Abu Hayyah. After a shoot-out between the assailants and the National Defence Force, one male civilian and two children were abducted. Their bodies were found nearby on 3 April. One month later, at least four herders were shot point blank in the head between Buqrus and Sa'lo.

29. There was also increasing insecurity and lawlessness elsewhere in central Syrian Arab Republic, such as western Homs governorate. Civilians, including older persons, women and children, were kidnapped by a criminal gang for extortion purposes. The abductees were tortured and ill-treated, including through sexual violence, reportedly to pressure families to pay ransoms. When families sought assistance from security forces, they were told nothing could be done, given the gang leader enjoyed high-ranking support from government agencies.

### *Findings*

30. In the above-mentioned incidents (paras. 27 and 28), if the perpetrators belong to a party to the conflict, the acts described may amount to the war crime of murder. The ongoing insecurity in the desert and the incidents described are further indicative of the Government's failure to protect the individuals' right to life, physical integrity and security, notably due to the lack of consistently adequate physical protection and investigations into civilian deaths, as well as into allegations of abduction referred to in the previous paragraph.

31. The airstrike against a civilian allegedly involved in drug trafficking (para. 22) may have constituted the use of excessive force employed arbitrarily and disproportionately in violation of the right to life. In addition, this attack may also have a nexus to the armed conflict. Carrying out such criminal activities alone does not deprive civilians of protection from attacks. In the absence of military objectives, it may also amount to directing attacks against civilians and civilian objects in violation of international humanitarian law and a possible war crime.

<sup>41</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", available at <https://www.ohchr.org/en/hr-bodies/hrc/iici-syria/documentation>, para. 32.

<sup>42</sup> The Commission received reports of scores of additional deaths and injuries.



## B. Arbitrary detention, torture and ill-treatment, enforced disappearance and deaths in detention

32. Torture and ill-treatment continued during the reporting period, as reported in the Commission's paper entitled "No End in Sight: Torture and ill-treatment in the Syrian Arab Republic 2020–2023".<sup>43</sup>

33. The Commission again documented deaths in detention.<sup>44</sup> One family received what the authorities claimed to be their relative's remains in January, after the relative had been detained by the Military Intelligence Directorate in 2022. The family did not receive any details about the circumstances of his death, nor were they able to confirm the identity of the remains they received. In other recent cases, families were told by third parties that their loved ones had died but had yet to receive any communication from the authorities.

34. Arbitrary arrests and detention by government forces also continued,<sup>45</sup> including through application of the cybercrime law to stifle criticism of government services or policy. In one case, an individual was arrested after making statements on social media that were viewed as critical of the Government. The Commission has also documented the apparently arbitrary application of the law on the use of foreign currency against dissenters, despite the ongoing dire economic situation and widespread reliance on remittances.<sup>46</sup>

35. Long-standing practices of arbitrary arrest and detention have created an environment where denunciations based on unsubstantiated and unrelated interpersonal grievances commonly lead to arrest and detention, as previously reported by the Commission.<sup>47</sup>

36. Scores of people, including many who had "reconciled" with the Government, were reportedly arrested in Dar'a in June. Investigations are ongoing. Earlier in 2023 in Dar'a, members of the Fifth Corps of the Syrian Arab Army arrested several civilians from the same family, including at least one minor, and beat them. At the time of writing, several of the men had yet to be granted access to lawyers or be brought before a court. Their arbitrary detention was reported to be in retaliation for an I'zaz court death sentence passed in December 2022 to punish a man for his alleged role in a death in detention in Dar'a in 2021.<sup>48</sup>

37. Incommunicado detention continued,<sup>49</sup> with individuals often held in dire conditions, particularly in detention branches run by the security apparatus. A civilian husband and father of three was arrested at a Syrian Arab Army checkpoint with his family in early 2023 and was held incommunicado for nearly one month by several intelligence agencies, during which time he suffered torture and ill-treatment.

38. Forced confessions continued to be used by courts. Individuals – including those sentenced to death – described to the Commission being held for weeks without access to legal counsel. Other young men and women were sentenced to death in absentia, without being represented by legal counsel.

39. The Commission continued to document cases of activists and community leaders who were arrested and detained for exercising their fundamental freedoms or were repeatedly summoned for interrogation by intelligence directorates on similar charges, leading to self-censorship.

### Violations affecting returnees

40. The violations described above also affected Syrian returnees, indicating yet again that the Syrian Arab Republic remains unsafe for returnees.<sup>50</sup> For example, one returnee was arrested on the basis of a "security report" and accused of crimes that had occurred while he

<sup>43</sup> Available at <https://www.ohchr.org/en/hr-bodies/hrc/iici-syria/documentation>.

<sup>44</sup> A/HRC/52/69, para. 56.

<sup>45</sup> "No End in Sight".

<sup>46</sup> A/HRC/52/69, para. 54.

<sup>47</sup> A/HRC/43/57, para. 70.

<sup>48</sup> A/HRC/49/77, para. 40.

<sup>49</sup> A/HRC/52/69, para. 55.

<sup>50</sup> "No End in Sight", paras. 73–77.



was abroad. Arrested along with his wife and children, he was held for weeks without access to a lawyer or being presented to a judge. He was tortured using *shabeh* (suspension by one or two limbs for prolonged periods) and *dulab* (being folded into car tyres) and was beaten with a green hosepipe while detained by a variety of security services, notably military intelligence and political security branches, in order to obtain information and forced confessions.

41. Hundreds of Syrian refugees and migrants were returned from Lebanon during the reporting period, including some 200 individuals on 1 January after having been rescued from a sinking ship. They were forced to return through either formal or informal routes and their number increased after April. Some were detained by individuals from the Fourth Division of the Syrian Arab Army or by smugglers. Several were threatened with being handed over to security agencies or sent to prison unless they paid significant sums, on average the equivalent of several hundred dollars. Those who paid were released and were able to return to Lebanon through informal channels, while others were handed over to, and detained by, security agencies or the Syrian Arab Army. Several such detainees described being held by the Syrian Arab Army in overcrowded facilities with insufficient food and water. Some were then ordered to do military service and forced to sign a document described as a “settlement”. Sources further indicate that some returnees, including children, have gone missing since, with their family unaware of their fate or whereabouts.

#### *Findings*

42. The Commission has reasonable grounds to believe that the Government continued to commit acts of torture and ill-treatment, including practices causing death in detention, arbitrary detention, including due to consistent violations of the right to fair trial, and incommunicado detention and enforced disappearances, confirming continuing patterns of crimes against humanity and war crimes.<sup>51</sup> Whenever a person known to be in State custody dies, the burden is primarily on the State to prove that his or her death did not result from acts or omissions attributable to the State. Such deaths must be the subject of independent, transparent and comprehensive investigations by the Syrian authorities.

43. The Government continued to violate fundamental human rights, including the rights to freedom of association and of expression.<sup>52</sup>

## **V. Violations in the north-west**

### **A. Conduct of hostilities**

44. Despite the calls for a cessation of hostilities immediately following the earthquake, fighting continued in the north-west. Since January, the Commission has investigated 15 incidents – 10 in Idlib and 5 in western Aleppo – that resulted in 89 civilian casualties (including at least 21 children and 10 women), of whom 16 were killed (including 4 women and 2 children) and documented civilian casualties in several other incidents (see annex IV).

45. During the reporting period, Hay’at Tahrir al-Sham and allied groups engaged in mutual shelling and attacks with government forces in southern Idlib, Rif Aleppo and Hama and Ladhqiyyah governorates.

46. Government forces repeatedly shelled towns and villages, primarily south of the M4 highway in southern Idlib and in areas around western Aleppo, at times inflicting civilian deaths and injuries. Most civilians who were killed or injured were members of families who had previously been displaced and had returned to their homes in villages near the front line owing to the difficult conditions and lack of livelihood opportunities in displacement camps. They included some civilians who had returned after the earthquakes, despite the presence of Turkish military observation posts and bases of Hay’at Tahrir al-Sham and allied groups throughout the area.

<sup>51</sup> Ibid. and [A/HRC/52/69](#), para. 61.

<sup>52</sup> [A/HRC/46/54](#), para. 3.

47. Attacks perpetrated by Hay'at Tahrir al-Sham and other armed groups in government-controlled territory during the reporting period did not result in reports of civilian casualties. These areas under attack remain largely depopulated following government offensives in 2019 and 2020 which displaced more than one million people.<sup>53</sup> The exceptions were three incidents of hitherto unattributed alleged drone attacks further from the front lines in Hama and Ladhqiyyah governorates at the end of June,<sup>54</sup> currently under investigation.

48. On 3 May, a United States Central Command drone strike in Qurqaniyah, north of Idlib, killed a 60-year-old civilian. The United States forces initially claimed that they had targeted a senior Al-Qaida member,<sup>55</sup> but subsequently stated that following the completion of "a civilian casualty credibility assessment process", a formal investigation had begun.<sup>56</sup> The Commission found no evidence that the deceased was anything but a civilian, or that he was otherwise directly participating in hostilities, and awaits the outcome of the investigation conducted by the United States.

#### **Attacks by pro-government forces in Idlib**

49. The above-mentioned incidents (para. 46) include one that occurred in the afternoon of 5 January, in which four children and their mother were injured when a rocket struck near their house on the outskirts of Fu'ah in rural Idlib, over 12 km from the front line. This was one of a series of rockets fired from a BM-21 Grad multiple-barrelled rocket launcher system reportedly from government-controlled Saraqib. The village is a residential and agricultural area.

50. Two weeks later, on the morning of 18 January, one civilian was killed in front of his house in Al-Bara town, when a shell exploded nearby. It is likely it was fired from government-controlled Kafr Nubl and was one of many shells fired at the town and nearby villages, between one and two hours after an attack on government positions a few kilometres away.

51. Government forces from Saraqib also carried out artillery shelling of Sarmin town, east of Idlib, in the afternoon of 9 April. One child was killed and four injured, when at least three shells hit the town centre, a civilian area, at least 5 km from the front line. One shell hit a residential area killing a 13-year-old boy and injuring three other children, including an 18-month-old, while they were playing outside a house. Shrapnel from a second shell 600 m away also injured another child. The third shell did not injure anyone.

52. Also in Sarmin, two women were killed and another four women and one boy were injured when government forces from Saraqib fired two unguided rockets, which hit the small olive grove where the group was resting on the evening of 22 June. Further shells were reported in the town one hour later, but did not result in additional casualties. The areas struck were civilian (residential and agricultural).

53. On the night of 25 April, one woman was killed and four other civilians injured (one woman, two girls and a boy) when a shell hit their home in Ma'arblit town – a residential area nearly 5 km from the front line. A second shell also hit nearby, one of five artillery shells which hit the town, fired by government forces in Dadikh or Kafr Battikh.

54. There were no known military objectives or ongoing military activities in the incidents described above. Satellite imagery did not indicate any military facilities in or near Fu'ah or Ma'arblit. In Al-Bara and Sarmin, the nearest facilities were approximately 1.5 km and 4 km away, respectively.

55. On 15 May, a 40-year-old man was killed outside his home in Kafr Uwayd, when a barrage of at least 25 shells was fired at a large area in Jabal al-Zawiyah area, south of Idlib, including the town.

<sup>53</sup> A/HRC/44/61.

<sup>54</sup> See [https://specialenvoysyria.unmissions.org/sites/default/files/2023-06-29\\_dse\\_rochdi\\_scb\\_as\\_delivered79.pdf](https://specialenvoysyria.unmissions.org/sites/default/files/2023-06-29_dse_rochdi_scb_as_delivered79.pdf).

<sup>55</sup> See <https://twitter.com/CENTCOM/status/1653730332393324546>.

<sup>56</sup> See <https://edition.cnn.com/2023/06/28/politics/formal-investigation-centcom-drone-strike-civilian/index.html>.

56. Civilians were also killed and injured by airstrikes. For example, in the morning of 25 June, a Russian Aerospace Forces aircraft carried out an airstrike on Jisr al-Shughur town in Idlib. At least one missile struck a building adjacent to an open area where an outdoor vegetable market was taking place. At least 3 civilians were killed and at least 34 were injured by shrapnel in the market area. Information available to the Commission indicates that the building may have been used by an armed group.

#### **Attacks by pro-government forces in western Aleppo**

57. Shelling by government forces also killed and injured civilians along the front line in western Aleppo. On the evening of 23 March – around iftar on the first day of Ramadan – three civilians were injured when a shell hit a market area in a residential neighbourhood of Atarib city. At least four artillery shells were fired at the city by the Syrian Arab Army, causing moderate damage and partial destruction of civilian infrastructure. There are no known military targets in the area.<sup>57</sup> The Ministry of Defence did not acknowledge this attack, but announced that it had repelled a Hay'at Tahrir al-Sham attack around the same time, around 4 km away. Later that night, one civilian was killed by shells launched by the Syrian Arab Army which hit the marketplace at Ebzemo village, approximately 5 km to the north.

58. On 21 June, shelling by government forces positioned in Shaykh Ali village killed 3 civilians and injured 12 others in Kafr Nuran village. One shell hit the side of a road, south of the village, where a group of people were standing near a watermelon seller, killing three civilians (including one child and his father) and injuring nine other civilians (including four children). A second shell also hit near another road, east of the village, and injured three civilians (including one woman). Both locations are approximately 250 m away from military installations, but no further shells were reported anywhere in the village on that day.

59. On 22 January, a woman was killed near her agricultural land when government forces shelled Kafr Nuran village, approximately 7 km south of Atarib.

60. On 11 March, another 50-year-old woman, one child and two other civilians were injured in a mortar attack which killed one member of an armed group and injured another on the eastern edge of Atarib city.

61. In another incident investigated by the Commission, one woman and a child were injured on 27 February when government forces shelled the area outside their home, 150–200 m from a military camp in Nayrab town, east of Idlib.<sup>58</sup> The large military facility is adjacent to the southern part of the town and part of the town also appears to have been incorporated into the camp.<sup>59</sup>

#### *Findings*

62. In conducting attacks with unguided rockets on a residential area in Fu'ah (para. 49) and Sarmin (para. 52); and in shelling Barah (para. 50), Sarmin (para. 51), Ma'arblit (para. 53), Atarib (para. 57) and Kafr Nuran (para. 58), government forces may have launched indiscriminate attacks resulting in death or injury of civilians in continuation of previously documented patterns.<sup>60</sup> If there were no military objectives in Sarmin (paras. 51 and 52), Ma'arblit (para. 53) and Atarib (para. 57), such acts may also amount to direct attacks against civilians and civilian objects. The shelling of the markets at Atarib and Ebzemo is also consistent with an established patterns of attacks by government forces on markets.<sup>61</sup> Indiscriminate attacks, as well as direct attacks against civilians and civilian objects, may amount to war crimes.

63. While the Russian Aerospace Forces airstrike appears to have targeted a military objective, it impacted an adjacent vegetable market at around 10 a.m. on a Sunday morning, resulting in the killing and injuring of dozens. The presence of civilians at the chosen time

<sup>57</sup> Satellite imagery shows the nearest military facility located approximately 1.5 km away.

<sup>58</sup> Satellite imagery confirms the presence of the military facility to the south of the house.

<sup>59</sup> Confirmed by satellite imagery.

<sup>60</sup> A/HRC/52/69, paras. 33 and 34; A/HRC/51/45, para 64; and A/HRC/49/77, para. 35.

<sup>61</sup> A/HRC/52/69, para. 26. See also A/HRC/51/45, para. 52; A/HRC/49/77, p. 30; and A/HRC/48/70, paras. 50 and 52.

and location of the attack should normally have been observable to the attacker, particularly as the vegetable market was observed through satellite imagery as early as April. Therefore, Russian Aerospace 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.

64. In locating their military camp near the pre-existing densely populated town of Nayrab (para. 61), Hay'at Tahrir al-Sham and affiliated armed groups may have violated the customary international humanitarian law rule requiring parties to the conflict to avoid, to the extent feasible, locating military objectives within or near densely populated areas.<sup>62</sup>

65. The United States airstrike (para. 48) may constitute a violation of the principle of precautions in attack, either through inadequate planning of the attack or insufficient verification of the intended target during the attack.<sup>63</sup>

## B. Violations by Hay'at Tahrir al-Sham

### Torture, ill-treatment and executions

66. New cases of torture and ill-treatment in detention, confirming a pattern previously identified by the Commission, were documented in Hay'at Tahrir al-Sham-controlled areas. A man arrested by Hay'at Tahrir al-Sham "general security services" in 2022 was blindfolded, handcuffed and dragged from his house, while repeatedly being hit on the neck with a rifle butt. He was held in Harim prison for months, where he was tortured to force him to confess to a crime. During one interrogation session, he was put in *shabeh* for over four hours, while another time he was beaten with a hosepipe. Another young man held in late 2021 was interrogated about organizations for which he was suspected of working and about his social media posts. He was first slapped, then assaulted by the guards, who alleged that he was homosexual. He was stripped naked and one guard filmed him while insulting him and calling him names and another urinated on him. The Commission also documented two cases in which urgent medical treatment required by detainees was significantly delayed, causing prolonged suffering.

67. Some detainees held by Hay'at Tahrir al-Sham were held incommunicado in secret detention facilities referred to as "security prisons". One man was held in prolonged solitary confinement in an underground cell in such a facility for three months. He attempted suicide and went on hunger strike for 15 days in protest.

68. At the end of 2022 and in May 2023, the Hay'at Tahrir al-Sham "general security services" released two videos showing over a dozen detainees wearing prison-like uniforms, "confessing" to alleged terrorist attacks or cooperation with the Government. In one video, there appear to be signs of torture on some detainees' bodies. In a previously documented case, a similar public confession of a "security" detainee was followed by his execution, which gives an indication that these detainees risk a similar fate, amid ongoing death sentences and executions carried out by Hay'at Tahrir al-Sham.

69. In March, a man was executed by firing squad for drug use and prostitution-related crimes. His conviction was reportedly based on a confession and he had no lawyer during the proceedings. The Commission has previously raised concern about Hay'at Tahrir al-Sham courts and is also investigating other reports of men and women being executed following death sentences. Convictions included death sentences for conduct such as prostitution, rape or adultery that does not carry the death penalty under Syrian law.

<sup>62</sup> See <https://ihl-databases.icrc.org/en/customary-ihl/v1>, rule 23.

<sup>63</sup> It is currently unclear whether any conflict between the United States and Al-Qaida in the Syrian Arab Republic meets the required intensity for the application of international humanitarian law. If not, the United States may have used excessive force arbitrarily and disproportionately in violation of the right to life. Given that a nexus to the armed conflict may nevertheless exist, such conduct may also amount to the war crime of directing attacks against civilians.

### Arbitrary detention

70. During the reporting period, Hay'at Tahrir al-Sham general security services continued to unlawfully detain activists, journalists and private citizens who were critical, including on social media, of their rule or religious doctrine. One man spent three months in detention because he complained of the lack of public services provided by Hay'at Tahrir al-Sham and about increasing taxes and prices. Another man was detained for a week in January after he criticized speeches made by imams in mosques in Hay'at Tahrir al-Sham areas. One activist was interrogated for hours in a Hay'at Tahrir al-Sham detention facility because he posted criticism on social media of the Hay'at Tahrir al-Sham response to a peaceful demonstration.

71. Hay'at Tahrir al-Sham also conducted a large-scale arrest campaign in May and June targeting alleged Hizb ut-Tahrir party members, including at least one child, in northern Idlib, pursuant to a crackdown against the party which began in September 2022. According to Hay'at Tahrir al-Sham, "Hizb al-Tahrir must be eliminated because they threaten the cohesion and legitimacy of the Syrian Revolution".<sup>64</sup> Multiple demonstrations were organized against Hay'at Tahrir al-Sham following the campaign, including in Dayr Hasan, where at least three women were arrested. Three journalists covering such demonstrations were also detained, including a media activist who published a video of a demonstration in Killi involving women calling for the release of Hizb ut-Tahrir detainees.

72. Credible reports indicate that some detainees who have served their full prison term, including children detained for offences such as theft, remain in Hay'at Tahrir al-Sham custody because they are unable to pay related financial sanctions.

### Findings

73. The Commission has reasonable grounds to believe that Hay'at Tahrir al-Sham members continued to arbitrarily deprive people of liberty, at times holding them incommunicado, including for the peaceful expression of their political opinion, and that Hay'at Tahrir al-Sham members have committed torture and cruel treatment which may amount to war crimes. With respect to the execution in March (para. 69), there are reasonable grounds to believe that Hay'at Tahrir al-Sham members passed sentences and carried out executions without previous judgment pronounced by a regularly constituted court affording all judicial guarantees which are generally recognized as indispensable, which may amount to a war crime.

## VI. Violations in northern Aleppo and Ra's al-Ayn regions

### A. Continued insecurity

74. Despite a decline in hostilities in the reporting period as parties to the conflict strengthened their control, there were some civilian casualties reported in northern Aleppo. Security concerns remained amid rivalry and competition between factions for material and territorial interests, even though the Syrian National Army made some progress in restructuring the "military police" to better manage checkpoints and crossings.

75. On 20 March, four Kurdish men were shot outside their home in Jindayris, Afrin, by local members of the Jaysh al-Sharqiyah faction of the Syrian National Army. A deaf 15-year-old boy was also injured in the incident, which took place as the men were celebrating *Nowruz* at home, around a traditional fire. Family members of one of the deceased said that two faction members approached the group, shouted and called them "fire worshippers" before starting a fistfight and throwing stones. The two faction members then brought in two other members and began firing with rifles. Three Kurdish men from the same family died on the spot, and their dead bodies were reportedly also shot. A fourth Kurdish man was injured and died the following day. A witness said that she approached two of the faction's local leaders to intervene – one called on the men to stop the shooting, but in vain. On

<sup>64</sup> See [https://t.me/s/GSS\\_SPOKESMAN/320](https://t.me/s/GSS_SPOKESMAN/320) (in Arabic).

26 March, the “Syrian interim government” “minister of justice” announced that five men had been arrested for the killings.<sup>65</sup>

## B. Arbitrary detention, torture and ill-treatment

76. The Commission continued to receive reports of arbitrary detention, torture and ill-treatment in Syrian National Army-controlled areas, mainly by Syrian National Army police forces. For example, one Arab man, walking on crutches, was detained with his pre-teen son by the Syrian National Army-affiliated civilian police in Al-Bab for four days in May. The man was blindfolded, handcuffed and seated on the ground during his interrogation, punched in the face and chest and beaten with sticks and cables, including on the soles of his bare feet (*falaqa*). This lasted for nearly an hour, while they repeatedly asked him to confess to a theft. The son was similarly beaten and eventually confessed.

77. Many of the victims of arbitrary detention and ill-treatment and torture were Kurdish and were suspected of having ties to Kurdish People’s Protection Units,<sup>66</sup> the Syrian Democratic Forces or the Government. One Kurdish man who was released in early 2023 after nearly six months in detention, following an attempt to flee across the border to Türkiye, was tortured during interrogation by civilian police in Ra’s al-Ayn about his potential links to the Syrian Democratic Forces. He was interrogated daily for 10 to 12 days and tortured extensively, including *falaqa*, beatings, *shabeh* and *dulab*, until he confessed to whatever the investigators wanted. He was released on bail pending trial. The wife of another Kurdish detainee arrested for suspected theft by civilian police in Ra’i and released in early 2023 told the Commission that her husband had been tortured, including with electric shocks to his genitals. She said the torture had left her husband too traumatized to talk about his experience.

78. On 27 May, a 44-year-old Ismaili man from Hama died in the custody of military police in I’zaz. Syrian National Army authorities acknowledged that the man had died as a result of torture and coercion and that three suspects had been arrested.<sup>67</sup>

79. In the context of tension between factions, in February the Sultan Suleiman Shah Division of the Syrian National Army forced 27 Arab families – perceived to have supported Jaysh al-Islam and Al-Jabha al-Shamya during infighting in 2022 – to leave their homes in Afrin. The families, all originally displaced from rural Damascus, had been living there for between two and five years. Initially the Syrian National Army faction detained one Arab man and his son who were building a shelter to host 20 earthquake-affected families from the same community. Later the same night, others from the same community were arrested on various grounds. Many were ill-treated in custody and one man’s leg was fractured as a result. Most of the 30 detainees were released the next day, after agreeing to leave the area under threat of rearrest. Two days later, the 27 families moved to other villages, under the watch of men from Sultan Suleiman Shah Division, many of whose families now reportedly occupy the houses.

80. The Commission is currently investigating several allegations of rape and other forms of sexual violence by Syrian National Army members. In one instance on 5 May, a woman was raped in a car. The Commission was informed that the four alleged perpetrators in this case are among nine Syrian National Army members currently under investigation or on trial on charges of sexual violence. Two others have been convicted, one in absentia.

81. The continued presence of Turkish agents was confirmed by the Commission during the reporting period, including in detention facilities in Ra’s al-Ayn, Tal Abyad, Akhtarín and Hawar Killis.<sup>68</sup> In some facilities, Turkish officers appear to have been in positions of authority and to have played both positive and negative roles. One detainee held in Ra’s al-Ayn reported a prompt improvement after a fellow detainee complained to a Turkish officer in the facility about the lack of meat in the meals. Another Kurdish detainee held there described being slapped on the face and hit on the head and body with a stick during

<sup>65</sup> See [https://twitter.com/AJA\\_Syria/status/1661762913185456129](https://twitter.com/AJA_Syria/status/1661762913185456129) (in Arabic).

<sup>66</sup> A/HRC/45/31, footnote 9.

<sup>67</sup> See footnote 2 above. The case is under consideration before a military judge in Ra’i.

<sup>68</sup> A/HRC/52/69, para. 91, and A/HRC/49/77, para. 82.



interrogation by a Turkish official (speaking through an interpreter) in autumn 2022. He was then made to lie on the floor while someone wearing military boots stomped on his leg, face and head. At Akhtarın police station, one man's nose was fractured in May when a Turkish officer (referred to by Syrian National Army officials as "the boss") headbutted him during a physical altercation between the two, during which the man was also beaten by a dozen other Syrian National Army-affiliated civilian police officials. That Turkish officer was reportedly later removed from his position, and the Commission was informed that the complaint is before the Syrian National Army's I'zaz Security Directorate Inspection Department. Turkish officials also interrogated, through an interpreter, a Kurdish woman who was held with her four young children in Hawar Killis prison for four months in early 2023, after being deported from Türkiye. She said that she was not beaten during her detention, but was threatened and insulted by the Syrian National Army guards, and not given any milk or nappies for her 20-month-old daughter for about 20 days. Her husband described being repeatedly called from her phone by a Turkish man, speaking through an interpreter, who said that the family would be released only if he helped them recruit one of the wife's family members (linked to the Syrian Democratic Forces) to work for them.

### *Findings*

82. The Commission has reasonable grounds to believe that Syrian National Army members continued to arbitrarily deprive individuals of liberty and may have committed the war crime of torture and cruel treatment. The killing of the Kurdish men in Jindayris may amount to the war crime of murder. While the Commission notes that measures towards accountability appear to have been initiated,<sup>69</sup> including with respect to the Jindayris killings, the I'zaz death in detention (para. 78) and the rape (para. 80), there is no information on restitution for the victims. Türkiye remains bound by its obligations under international human rights and humanitarian law, including to prevent torture when its officials are present.<sup>70</sup>

## **VII. Violations in north-east Syrian Arab Republic**

### **A. Conduct of hostilities**

83. Military activity and mutual bombardment between the Syrian Democratic Forces and the Turkish Armed Forces increased towards the end of the reporting period, after a post-earthquake lull. Ground and aerial attacks leading to civilian deaths and injuries continued in Aleppo, Hasakah and Raqqah governorates and were frequent in Ayn al-Arab and villages neighbouring Tall Tamr.

84. In one incident on 18 January, a likely Turkish guided air-to-ground missile – apparently fired from a drone – hit a pickup truck in the early afternoon, just outside a countryside supermarket, partially destroyed in the attack, on the Qamishli-Malkiyah road, 7 km east of Qahtaniyah town. Two men inside the pickup truck were killed, as were a civilian man and 11-year-old boy inside the supermarket. Several other civilians were injured, including children. In another incident, on 20 June, which remains under investigation, a similar alleged Turkish strike reportedly killed three civilians (two women and one man) and injured one civilian man.

### *Findings*

85. The airstrike on 18 January fits the pattern of past Turkish drone attacks.<sup>71</sup> Given the timing and location of the strike, the attacker should normally have been aware that civilians might be present. Therefore, the party responsible may have failed to take all feasible

<sup>69</sup> With respect to the killing of a media activist and his wife in October 2022 (A/HRC/52/69, para. 99), the Commission was informed that on 12 June, a military judge issued an indictment against the suspects.

<sup>70</sup> Cases were raised with Türkiye (see footnote 2 above).

<sup>71</sup> A/HRC/52/69, para. 110.



precautions to avoid, and in any event to minimize, incidental loss of civilian life, injury to civilians and damage to civilian objects.<sup>72</sup>

## B. Deaths in detention

86. The Commission documented several deaths in detention at Hasakah and Raqqah central prisons during the period. In early February, a civilian Arab man died in custody while detained in Hasakah Central Prison. Following his arrest in 2020, and while in good health, the man was tried and sentenced for allegedly cooperating with the Government. In early February, his family learned that he had died, without any explanation, medical justification or documentation being provided concerning his death.

87. Similarly, an Arab adolescent died in custody due to unknown causes in early March, after having been detained in Hasakah Central Prison for several years. He had initially been arrested as a healthy minor in 2020 and reportedly tried and sentenced. At the end of February, his family was asked to pay for medical treatment and to visit him in hospital. When they attempted to visit him, they were told that he had died, but given no further explanation. His body appeared emaciated.

88. A civilian Arab man who had been detained for nine months died in May in Raqqah Central Prison. Although his death certificate indicated that he died of heart failure, the man's body reportedly showed signs of torture, including electrocution, when it was provided to his family for burial.

### *Findings*

89. The above-mentioned cases raise concerns that torture or ill-treatment of the detainees in question may have contributed to their deaths. Detention conditions, including lack of adequate medical assistance, were such that they may have amounted to ill-treatment. Such acts may amount to war crimes and are prohibited by common article 3 of the Geneva Conventions of 12 August 1949, which also requires the establishment of practices to ensure the investigation of all such acts.

## C. Arbitrary deprivation of liberty

### **Detention of alleged Da'esh fighters**

90. More than 10,000 men and boys allegedly affiliated with Da'esh, including approximately 5,000 Syrians, 3,000 Iraqis and 2,000 others, continued to be detained by the Syrian Democratic Forces across the north-east. Despite reported repatriations of Iraqi men, other alleged foreign Da'esh detainees remained in incommunicado detention, without trial. Families reported being unable to obtain information about detained loved ones and that the previous facilitation by the International Committee of the Red Cross of letter exchanges ceased after the January 2022 Al Sin'a prison attack.<sup>73</sup> Lawyers representing foreign nationals were not permitted by the self-administration to meet their clients. One individual who was able to meet with such detainees described them as "looking horrifying and weighing around 43 kg".

91. In June, the self-administration again announced its intention to try foreign detainees suspected of belonging to Da'esh,<sup>74</sup> given the failure of the international community to respond to appeals for their repatriation, which raises concerns regarding the prospects for proceedings in compliance with international standards. Recent cases indicate that individuals, including children, judged by the self-administration's "people's defence court"<sup>75</sup> had no access to legal counsel and representation. They were also initially held incommunicado for months prior to their presentation to the court, and their families were

<sup>72</sup> A/HRC/39/65, para. 24, and A/HRC/52/69, para. 113.

<sup>73</sup> A/HRC/51/45, para. 93.

<sup>74</sup> See <https://aanesgov.org/?p=4567> (in Arabic).

<sup>75</sup> A/HRC/46/55, para. 54.

unable to obtain information about their whereabouts or the legal proceedings against them. One journalist was detained for months without contact with his family or a lawyer before reportedly being sentenced to 18 months' detention.

92. Since it established the “people’s defence courts” in 2014, the self-administration has indicated that it has tried more than 8,300 Syrian detainees, including 6,279 with alleged links to Da’esh, and that about 1,000 additional cases are slowly progressing through the court system. The self-administration states its aspiration to respect international fair trial standards, while also being the first to admit the challenges it faces in continuing trials of Syrian prisoners and now also launching trials of foreigners: it cannot supply lawyers for defence or provide adequate prison facilities; and the judicial system is depleted, underresourced and lacking in human, administrative and infrastructural capacity.

#### **Hawl and Rawj internment camps**

93. Some 51,600 people, mostly women and children under 12, including some 35,000 foreigners from approximately 66 States or territories, remain held in Hawl and Rawj camps. Camp conditions continued to worsen with insufficient medical care and education, and malnourishment a concern.<sup>76</sup> French and Trinidadian family members described how their female and child relatives have suffered for years in Rawj camp, many requiring urgent medical care. The security situation, while still deplorable – with a woman and child reportedly killed in Hawl camp in April – improved during the period, which saw comparatively fewer murders.

94. More than a thousand foreigners were repatriated to over a dozen States, including Iraq, during the reporting period (see annex V).

#### **Separation and detention of foreign boys**

95. On 31 January, at least 10 foreign, non-Iraqi adolescent boys were taken from Rawj camp by security forces.<sup>77</sup> Some of the boys were reportedly transferred to the Orkesh “child rehabilitation centre” in Hasakah governorate. According to sources, their families were given no reasons for their removal or opportunities for regular contact or visits following the separation, as also reported recently by a Special Rapporteur.<sup>78</sup> The self-administration circulated a draft policy indicating that young people would require separation and removal from their “ISIS-affiliated mothers” where security concerns are identified either in relation to the young people’s own safety or that of others.

#### **Other arbitrary detention**

96. The Commission documented four cases of arrests, harassment or intimidation of journalists between January and June 2023. For example, in April, a journalist researching detention-related issues was forced to flee the region after an arrest warrant was issued, falsely accusing him of gathering sensitive information. Multiple reports indicate that journalists and media activists have been subjected to unlawful deprivation of liberty, including incommunicado. As previously reported,<sup>79</sup> such incidents and restrictions erode fundamental freedoms and lead to self-censorship. Investigations continue.

#### *Findings*

97. The Commission has reasonable grounds to believe that Syrian Democratic Forces members continue to unlawfully deprive individuals of their liberty, including some in a manner tantamount to enforced disappearance.<sup>80</sup> Furthermore, the lack of access to a lawyer

<sup>76</sup> See <https://www.ohchr.org/sites/default/files/documents/issues/terrorism/sr/statements/EoM-Visit-to-Syria-20230721.pdf>.

<sup>77</sup> A/HRC/52/69, para. 115.

<sup>78</sup> See <https://www.ohchr.org/sites/default/files/documents/issues/terrorism/sr/statements/EoM-Visit-to-Syria-20230721.pdf>.

<sup>79</sup> A/HRC/51/45, paras. 104–109.

<sup>80</sup> A/HRC/52/69, para. 120.

may constitute the passing of sentences without affording essential judicial guarantees in violation of international humanitarian law.

98. As the Commission has previously found, the prolonged blanket internment since 2019, without individual or regular review, of some 51,600 people in the Hawl and Rawj camps amounts to unlawful deprivation of liberty, and the conditions in both camps amount to cruel or inhuman treatment.<sup>81</sup> The Syrian Democratic Forces have interned them for almost four years without the opportunity to challenge the grounds for such detention. 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, particularly humiliating and degrading treatment, in relation to each interned individual.<sup>82</sup> In addition, the Syrian Democratic Forces' practice of separating boys aged above 12 from their families in Hawl and Rawj camps without offering opportunities for regular family contact or visits raises concerns of potential international humanitarian law violation of respect for family life. Member States involved in supporting the Syrian Democratic Forces have a particular responsibility to assist them to bring these violations to an end.<sup>83</sup>

#### D. Child recruitment

99. During the reporting period, the Commission documented seven new cases of abduction of children by the Kurdish revolutionary youth movement, including four in 2023,<sup>84</sup> plus one by the Kurdish People's Protection Units dating from 2021. A recent United Nations report concluded that child recruitment had increased in the Syrian Arab Republic, with the Syrian Democratic Forces-controlled area representing more than half the cases documented.<sup>85</sup>

100. In one case, a 13-year-old girl reportedly went missing after visiting a revolutionary youth centre in Qamishli in May. The family received a video in which their daughter stated that she had joined voluntarily. When the family attempted to file a complaint against the revolutionary youth for the abduction, the *Asayish*<sup>86</sup> office in Qamishli refused to register the case. The child protection office<sup>87</sup> did not assist, telling them to wait 45 days until the end of the girl's military and ideological training. The family eventually managed to bring the girl home.

101. Another teenage girl went missing in March on her way to school. When her mother searched for her at a nearby cultural centre allegedly belonging to the revolutionary youth, the organizers denied knowing her daughter and threatened to abduct her other children. The authorities also told the mother to "forget about her daughter". A protest organized by the family was violently quelled by security forces.

102. In signing an action plan to end the recruitment and use of children in armed conflict, the Syrian Democratic Forces have committed to ensuring that the recruitment of all children under 18 is effectively prohibited across the area it controls.<sup>88</sup> Nevertheless, it has failed to uphold that commitment since the war crime of conscripting or enlisting children under the age of 15 into armed forces or groups is still being committed.<sup>89</sup>

<sup>81</sup> A/HRC/37/72, annex III, paras. 12–15, and subsequent Commission reports.

<sup>82</sup> A/HRC/52/69, para. 121.

<sup>83</sup> Common article 1 of the Geneva Conventions of 1949.

<sup>84</sup> A/HRC/52/69, para. 107.

<sup>85</sup> A/77/895-S/2023/363, paras. 191 and 192.

<sup>86</sup> A/HRC/39/65, para. 68.

<sup>87</sup> A/HRC/52/69, para. 107.

<sup>88</sup> A/HRC/49/77, para. 107.

<sup>89</sup> "They have erased the dreams of my children", paras. 40 and 84; and A/HRC/49/77, para. 107.

## VIII. Gendered impact

103. In June, the Commission published a report on the direct negative consequences on women and girls of the protracted conflict in the Syrian Arab Republic, including due to massive displacement and growth in the number of female heads of households.<sup>90</sup> Female-headed households, particularly those living in displacement camps, are twice as likely as those headed by men to report a complete inability to meet basic needs. Women's and girls' access to health care, including for reproductive health, has been severely affected and early and forced marriages have reportedly increased across the country. Women face particular challenges in accessing housing, land and property rights. Pre-existing patterns of discrimination have increased significantly and fear of stigmatization and its consequences have created greater hardships and undermined the potential gains from recent legal reforms. Violence against women and girls has become more entrenched and permeates both private and public spaces.

104. Despite the challenges, numerous Syrian women's rights and civil society organizations continue to raise awareness about women's human rights, gender equality and gender-based violence. Tens of thousands of women continue to search for their relatives who have gone missing or been forcibly disappeared. Women are among the leaders of Syrian civil society and Syrian families who struggled for years to find their missing and disappeared relatives and whose courage and determination most recently resulted in the establishment of the new United Nations institution for the missing in the country.

## IX. Recommendations

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

- (a) **Immediately cease all indiscriminate and direct attacks on civilians and civilian objects and take all feasible precautions to minimize harm to the civilian population, and 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;**
- (b) **Ensure that all credible reports of murders and killings of civilians, as well as custodial deaths, are investigated;**<sup>91</sup>
- (c) **Cease torture and other cruel, inhuman or degrading treatment or punishment, including sexual and gender-based violence, in all places of detention;**
- (d) **Release those arbitrarily detained and ensure that perpetrators are held accountable through fair trials;**
- (e) **Cease all forms of incommunicado detention and enforced disappearance 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;**
- (f) **Support the newly-created independent institution with an international mandate to coordinate and consolidate claims regarding missing persons, including persons subjected to enforced disappearance;**
- (g) **Take forceful and effective action to end child recruitment;**

<sup>90</sup> See

<https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/coisyria/policypapersieges29aywar/2023-06-12-Gendered-impact-women-girls-%20Syria.pdf>.

<sup>91</sup> Common article 3 of the Geneva Conventions of 1949.

(h) **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;**

(i) **Allow and facilitate rapid and unimpeded passage of impartial humanitarian assistance for civilians in need, whether cross-border or cross-line, without any adverse distinction, into all areas of the Syrian Arab Republic, including the north-west, the north-east and Rukban camp. Cease arbitrary denial of consent for humanitarian access based on political or ideological differences, as well as imposition of undue conditions for consent which are not prescribed under international humanitarian law, including excessive bureaucratic and other requirements for humanitarian actors.**

106. **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 common article 1 to the Geneva Conventions of 1949 and other relevant treaties, including by:**

(a) **Conditioning any support to the parties on their respect of international human rights law and international 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 of their internment for continued imperative reasons of security, as well as other practical measures;<sup>92</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.**

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

(a) **Repatriate their nationals held in the north-east for alleged association with Da'esh, prioritizing children held with their mothers, in accordance with the best interests of the child. In addition, repatriate adult male citizens, including to hold accountable alleged perpetrators of war crimes, crimes against humanity and genocide in proceedings compliant with international fair trial standards. Repatriations may not happen where individuals risk arbitrary detention or physical harm, including the death penalty;**

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

(c) **Support the establishment of and funding for the new institution on the missing, particularly in relation to support for the families of the missing and/or disappeared;**

(d) **Ensure that any return is voluntary, safe, dignified, sustainable, to the destination of the returnee's choice and without risk of physical harm or violation of his or her fundamental human rights;**

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

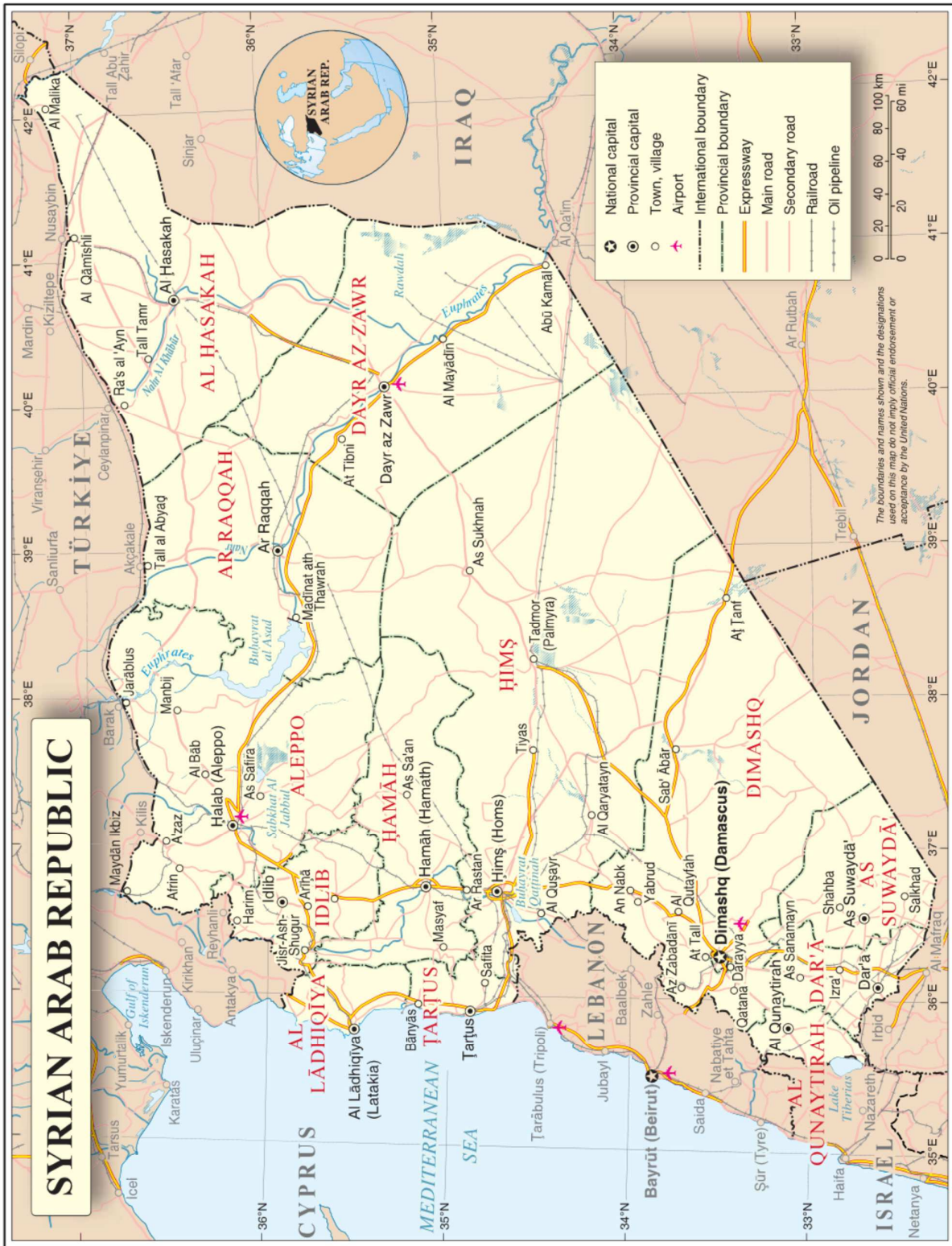
<sup>92</sup> See <https://sri.icrc.org/en/practical-measures>.

(f) **Take forceful action to ensure humanitarian access and effective delivery of aid and extend greater solidarity and support to efforts to address the humanitarian needs of all Syrians, including internally displaced persons and refugees, which have reached their highest levels since the beginning of the conflict. Sustain funding to programmes supporting and empowering women in the Syrian Arab Republic.**



# Annex I

## Map of the Syrian Arab Republic



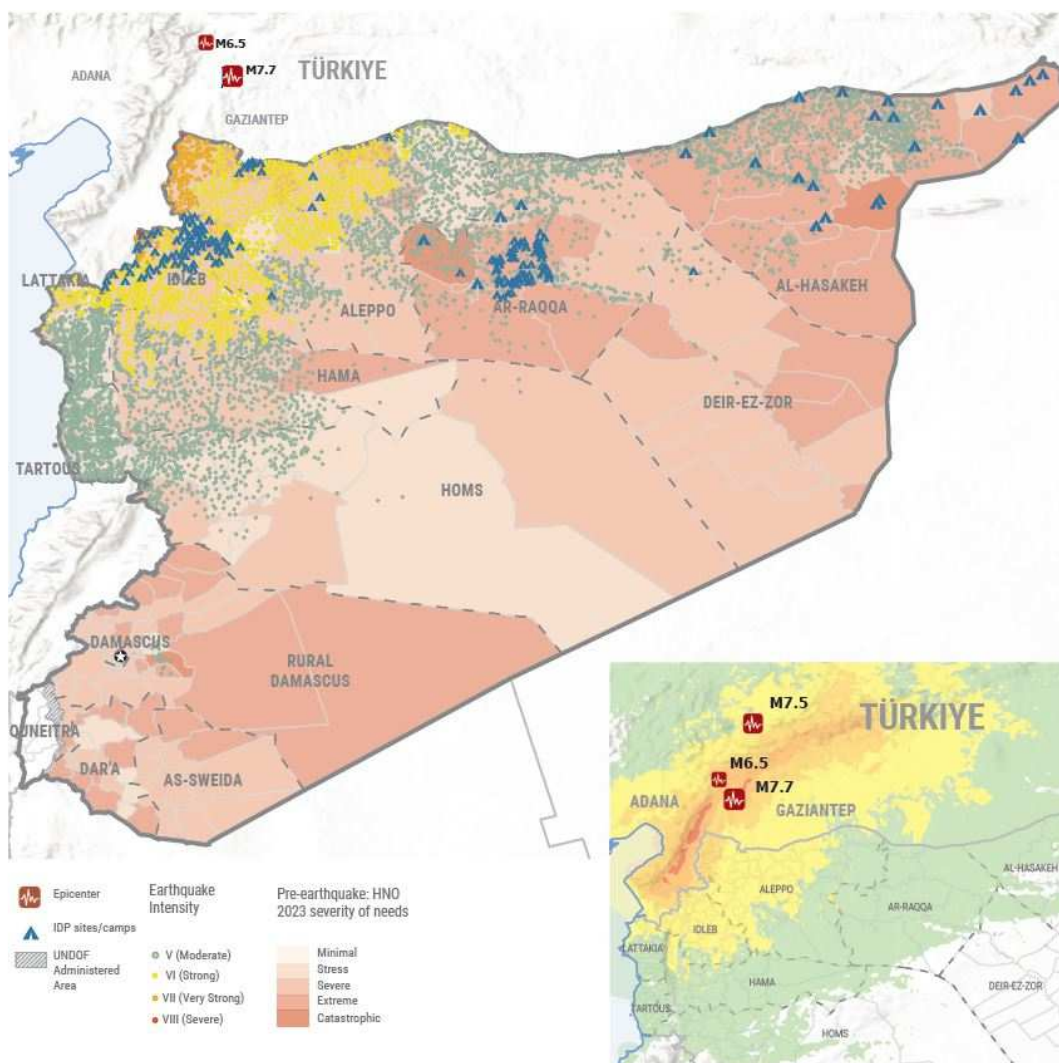
Office of Information and Communications Technology  
Geospatial Information Section

Map No. 4204 Rev. 4 UNITED NATIONS  
August 2022



## Annex II

### Earthquake impacted areas

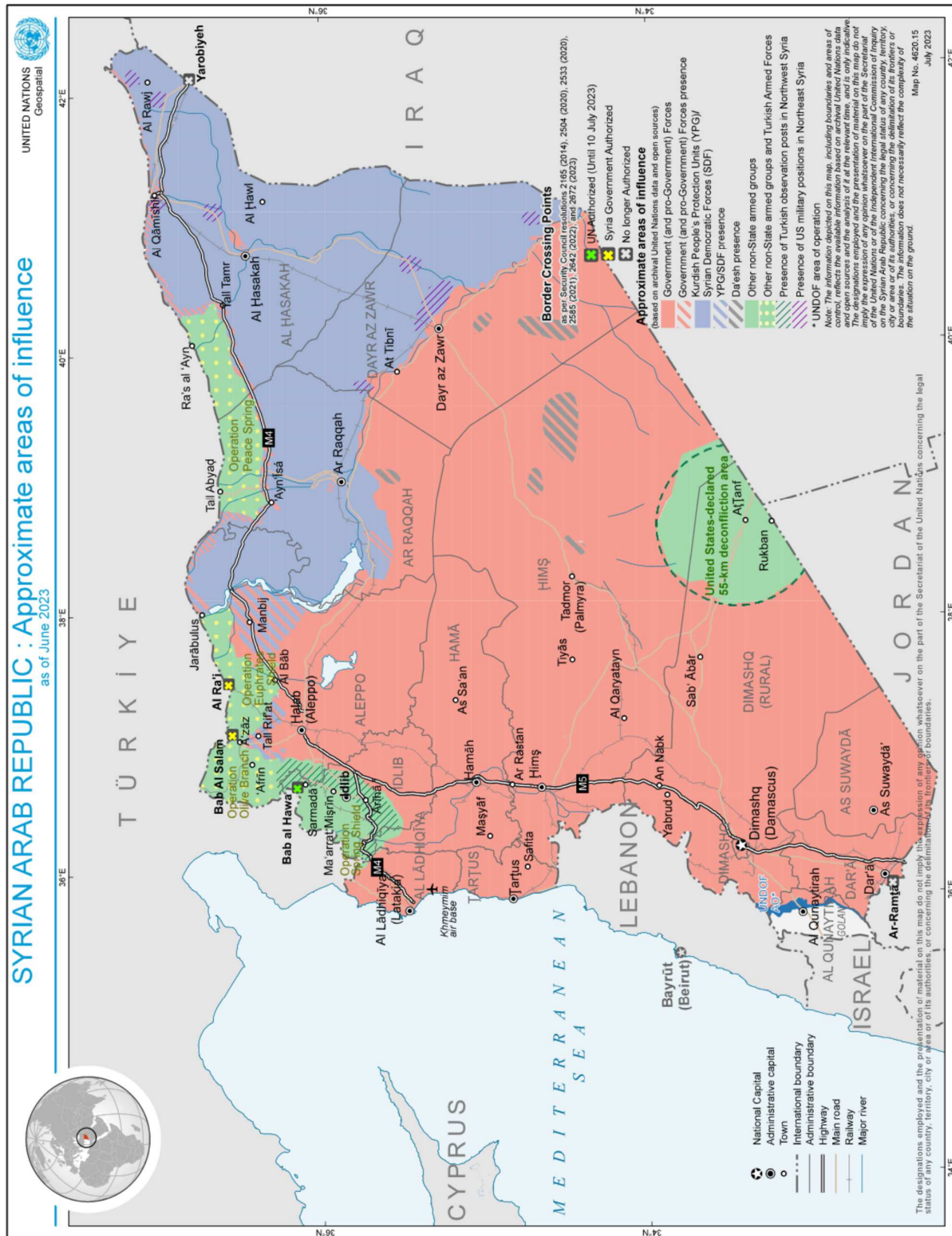


The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.

Source: OCHA.

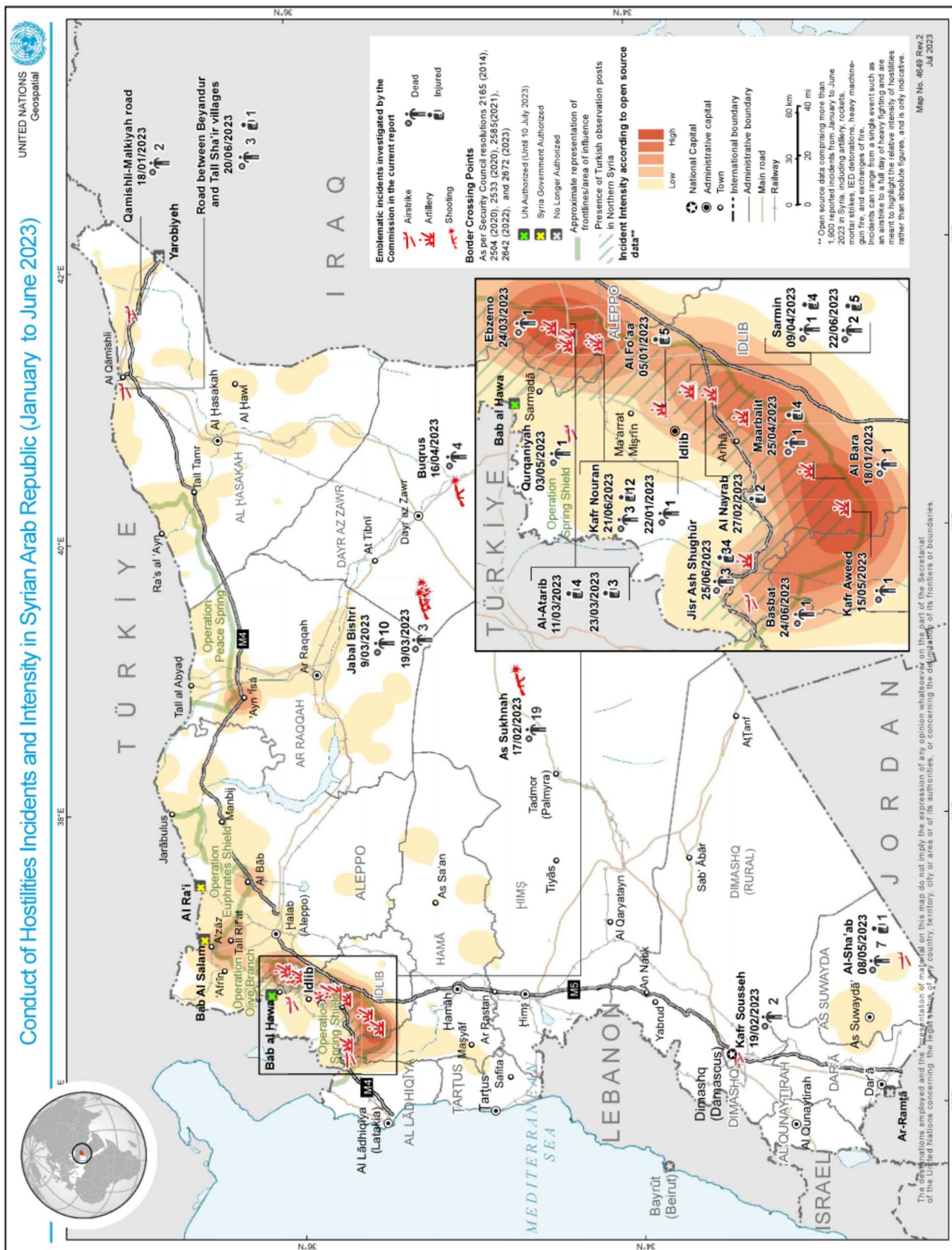
Annex III

Approximate areas of influence – June 2023



Annex IV

Conduct of hostilities incidents map



## Annex V

### Repatriation of foreign, non-Iraqi women and children from SDF-run camps in north-eastern Syria (as of 30 June 2023)<sup>a</sup>

<i>States and territories</i>	<i>No. children</i>	<i>No. women</i>	<i>No. unknown/men</i>	<i>Total</i>
Afghanistan <sup>f</sup>	-	1	-	-
Albania	28	9	-	37
Australia	21	4	-	25
Austria	4	-	-	4
Barbados <sup>b</sup>	2	1	-	3
Belgium	33	12	-	45
Bosnia and Herzegovina	12	6	8	26
Canada <sup>b</sup>	14	7	-	21
Denmark	18	4	-	19
Finland	14	4	-	18
France <sup>b</sup>	144	47	-	194
Germany	80	27	1 <sup>c</sup>	108
Indonesia <sup>f</sup>	-	-	-	-
Italy	5	1	1	7
Kazakhstan <sup>b</sup>	417	158	37	612
Kosovo <sup>d</sup>	78	33	12	123
Kyrgyzstan <sup>b</sup>	41	18	-	59
Malaysia	-	-	16	16
Maldives	4	1	-	5
Moldova	4	1	-	5
Morocco	-	-	8	8
Netherlands	44	18	-	62
New Zealand <sup>b</sup>	1	-	-	1
Nigeria	3	-	-	3
North Macedonia	14	5	11	23
Norway <sup>b</sup>	11	3	-	14
State of Palestine	2	-	-	2
Russian Federation <sup>b</sup>	345	13	-	330
Saudi Arabia <sup>e</sup>	2	-	-	2
Slovakia <sup>b</sup>	2	1	-	3
South Africa <sup>f</sup>	-	-	-	-
Spain <sup>b</sup>	13	2	-	15
Sudan <sup>b</sup>	8	2	-	10
Sweden	41	18	-	42
Switzerland	2	-	-	2
Tajikistan <sup>b</sup>	177	73	-	250
Ukraine	25	6	-	31

<i>States and territories</i>	<i>No. children</i>	<i>No. women</i>	<i>No. unknown/men</i>	<i>Total</i>
United Kingdom	10	1	-	11
USA	8	4	7	19
Uzbekistan	248	98	1	347

**Countries for which the Commission received information that citizens are held and for whom there is no indication of any repatriation:**

Algeria<sup>e</sup>, Azerbaijan, Bahrain, Bangladesh, China, Comoros, Congo, Czechia, Egypt<sup>e</sup>, Estonia<sup>e</sup>, Georgia, India, Iran (Islamic Republic of), Jamaica, Jordan, Kenya, Lebanon, Libya, Mali, Pakistan, Philippines, Poland, Portugal, Romania<sup>e</sup>, Senegal, Serbia, Seychelles, Somalia, Tanzania, Trinidad and Tobago, Tunisia, Türkiye, Viet Nam<sup>e</sup>, Yemen.

<sup>a</sup> This table is based on replies to Note verbales sent to States alleged to have nationals in north-eastern Syria and letters to other relevant parties (footnote 2) and open-source data. Where open-sources provided different numbers, the lowest figure was used. The 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>b</sup> Repatriations reportedly occurred during the reporting period (1 January 2023 to 30 June 2023). In early July 2023, Canada and France undertook additional repatriations.

<sup>c</sup> One boy was repatriated after he turned 18.

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

<sup>e</sup> According to information submitted by States in response to communications by the Commission and United Nations special procedures, the national authorities have no indication as to the presence of citizens in north-eastern Syria, or are still trying to determine such presence.

<sup>f</sup> Countries for which reports indicate individuals were repatriated, without further information.



## Annex VI

## Correspondence with the Government of the Syrian Arab Republic



## Independent International Commission of Inquiry on the Syrian Arab Republic

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Established pursuant to United Nations Human Rights Council Resolution S-17/1 (2011) and extended by resolutions 19/22 (2012), 21/26 (2012), 22/24 (2013), 25/23 (2014), 28/20 (2015), 31/17 (2016), 34/26 (2017), 37/29 (2018), 40/17 (2019), 43/28 (2020), 46/22 (2021), 49/27 (2022) and 52/30 (2023)

REFERENCE: COISYRIA/116/2023

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, in Geneva, and has the honour to refer to the UN Human Rights Council (HRC) resolution 52/30 of 4 April 2023 extending the mandate of the Commission until 31 March 2024.

The Commission takes this opportunity to reiterate its thanks to the Permanent Mission for your Government's past assistance in furtherance of its mandate.

The Commission is currently conducting investigations for its upcoming report to the HRC's fifty-fourth session in September 2023, covering events between 1 January and 30 June 2023.

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 allegedly occurred in Aleppo, As Suwayda, Damascus, Dar'a, Dayr Az Zawr, Idlib, Hama, Hasakah, Homs, and Raqqah governorates during this time period.

Second, the Commission has also received credible reports that some international and local humanitarian actors have faced obstacles and a lack of clarity on procedures to obtain authorization to implement their post-earthquake humanitarian response, and have had part of the humanitarian aid seized. Humanitarian workers have also reported facing threats as a result of their work. In this context, the Commission seeks information about Government policies and procedure put in place to ensure unhampered access for impartial delivery of humanitarian assistance to post-earthquake survivors.

Third, the Commission has received reliable reports that residents of Sheikh Maqsood and Al-Ashrafieh neighbourhoods in Aleppo city and residents of Al-Shahba region in Aleppo governorate are experiencing arbitrary restrictions imposed by your Government on the flow of basic goods and services, including healthcare services essential for survival. The Commission seeks information about the necessity of such restrictions and would welcome any information on steps being taken by the Syrian authorities to ensure that those living in the above-mentioned areas have adequate access to essential services and goods.

Fourth, the Commission continues to document torture, ill-treatment, and deaths in detention in Government detention facilities, including in intelligence directorates' facilities in Damascus and elsewhere and in military prisons including Sednaya. The Commission would welcome any information on steps taken by the Syrian authorities to prevent and investigate any such allegations as well as further information concerning persons held accountable in relation to torture, ill-treatment, and deaths in detention.

Regarding detention, the Commission also takes this opportunity to kindly reiterate its previous request for information contained in the attached standard questionnaire (which the Commission previously shared in its note verbale numbered COISYRIA/32/2020 of 16 October 2020 and subsequently in 18/2022 of 6 July 2022 and 58/2022 of 10 November 2022). Noting the adoption of Law 16 of 29 March 2022 that criminalizes torture, the Commission seeks your Government's overall views on the applicable legislation's compatibility with the Syrian Arab Republic's international legal obligations, in particular in relation to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and would particularly welcome updated information covering the period since the adoption of Law no. 16/2022 until today, notably on:

- statistical data per year regarding deaths in custody and information on the manner in which those deaths were investigated;
- remedies available to victims of detention-related violations or abuses committed by your authorities/forces abuses (including legal, medical, or psychosocial assistance) and information on whether and how victims have availed themselves of such remedies;
- measures adopted to encourage victims to safely report allegations of such violations or abuses and whether and how victims have availed themselves of such measures; and
- information on investigations carried out into detention-related violations or abuses allegedly committed by your authorities/forces in order to hold perpetrators to account.

Noting the information provided in the Fourth periodic report submitted by the Syrian Arab Republic under article 40 of the International Covenant on Civil and Political Rights (CCPR/C/SYR/4, hereinafter "Fourth periodic report", para. 39- 41), the Commission also seeks details relating to incidents of police officers held accountable for perpetrating violent acts during investigations or in prisons or detention centres from March 2011 to the present day, notably a brief summary of the allegations, location, agency of the officer concerned, exact disciplinary penalty, status in court and charges or convictions. The Commission further kindly requests similar information for members of the intelligence services as well as military forces. The Commission would also welcome information relating to judgements issued in this context, including a summary of the judgements containing the facts as established, the crimes such persons were convicted or acquitted of, and the sentences imposed, and if possible, copies of the relevant judgements.

The Fourth periodic report also contained information that "[n]o provisions under Syrian law grant immunity for offences involving acts of torture committed by any party" (para. 39). The Commission has noted previously that de facto immunity results from the requirements under Legislative Decree no. 61 of 27 February 1950 as amended by Decree no. 64/2008 and Legislative Decree no. 14 of 25 January 1969 that require "the general leadership of the army and military forces" and approval by the accused's superior officers, respectively, prior to the initiative of any prosecution. The Commission would welcome clarification how many such investigations have been launched since 1 January 2020. The Commission would also welcome the full text of Laws 14/1969 and other legislation relating to the functions of other Syrian intelligence services, as well as legislation setting out the functions and responsibilities of the National Security Bureau.

Further, noting the information provided in the Fourth periodic report (para. 36), the Commission seeks information concerning legislation, policies, directives, orders or other instruments relating to capital trials and related amnesties, in particular proceedings before Military Field Courts (under Decree 109/1968).

In addition, with regards to the Fourth periodic report (paras. 53-54), the Commission seeks information concerning measures taken to implement the Children's Rights Act (Law No. 21/2021).

Finally, the Commission has obtained further reliable information concerning Syrian refugees deported from Lebanon facing extortion by your forces as of January 2023 onwards. Those unable to pay have reportedly been detained, with families unaware of their current whereabouts. The Commission seeks information on the procedure followed by Syrian authorities when deportees are handed over; the number of deportees from Lebanon since January 2023 as well as statistics on deportees detained or conscripted in the military.

Since January 2023, the Commission has also received credible information concerning increased abductions of civilians in Homs governorate, reportedly by members of pro-Government armed groups and Syrian National Defence Force militia fighters, who faced ill-treatment and extortion. The Commission seeks information about measures taken by Syrian authorities to put an end to such acts.

In order for the information to be processed ahead of its next reporting obligations, the Commission would kindly request that any inputs be received by 14 July 2023. The Commission is



ready to discuss the most appropriate means by which to progress in this regard, including measures required to ensure the confidentiality of provided materials and information, and would also welcome meetings or briefings, in-person or virtually. To clarify details of this request or opportunities to collaborate, please contact the Secretariat, at [ohchr-coisyrria@un.org](mailto:ohchr-coisyrria@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, 14 June 2023



L.A.

**Annex I**  
**List of alleged incidents on which the Commission requests information for its upcoming  
mandated report to the Human Rights Council session in March 2023**

Attacks alleged to have occurred in Idlib governorate and western Aleppo

- On 5 January 2023, shelling allegedly injured five civilians – four children and one woman – in the outskirts of Al Foaa town in Idlib governorate
- On 18 January 2023, shelling allegedly killed one civilian in Al-Bara town, Idlib governorate.
- On 19 January 2023, shelling allegedly injured five civilians – four children and an elderly woman – in the village of Qastoun, Idlib governorate
- On 22 January 2023, shelling allegedly killed one woman who was present at her agricultural field in Kafr Nouran village, western Aleppo
- On 22 February 2023, shelling allegedly killed two civilians as they were collecting firewood in Kendah village, near Jisr Al-Shughour, Idlib governorate
- On 27 February 2023, shelling allegedly injured two civilians – one woman and a child in Al-Nairab town, Idlib governorate
- On 27 February 2023, shelling allegedly injured one civilian on the road between Ma'aart Misreen and Idlib City, Idlib governorate.
- On 11 March 2023, shelling allegedly killed one civilian and injured at least four others in Al-Atarib town, in western Aleppo
- On 23 March 2023, shelling allegedly injured three civilians including a woman, in the market of Al-Atarib town, western Aleppo
- On 24 Mar 2023, shelling allegedly killed one civilian in Al-Abzimo village, western Aleppo.
- On 9 April 2023, shelling allegedly killed one child and injured at least three other children in Sarmin town, Idlib governorate.
- On 25 April 2023, shelling allegedly killed one woman and injured four others including two children and 2 women in Maarbalit town, Idlib governorate.
- On 03 May 2023, a drone strike allegedly killed a 60-year-old civilian in Qorqanya town, Idlib governorate.
- On 15 May 2023, shelling allegedly killed one civilian in Kafr Aweed village, Idlib governorate.

Attacks and other incidents alleged to have occurred in northern Aleppo governorate

- On 20 January 2023, shelling allegedly injured several civilians, including three children, as well as one policewoman and one policeman in Azaz, Aleppo governorate.
- On 6 February 2023, in the evening, shelling allegedly impacted Marea, Aleppo governorate, reportedly causing civilian harm.
- On 16 February 2023, one civilian man was reportedly killed and another injured due to shelling impacting a residential area of Tall Rifat, Aleppo governorate. Two homes were also reportedly damaged.
- On 4 March 2023, two civilian men were reportedly injured due to shelling that impacted the villages of Kultep and Bagdek, east of Ain al-Arab city, Aleppo governorate.
- On 20 March 2023, four Kurdish members of a family, including a 17-year-old, were shot outside of their home in Jinderis, Aleppo governorate, allegedly by four members of Jaysh Al-Sharqiyah who were subsequently detained by the SNA Military Police.
- On 3 May 2023, a drone strike allegedly killed a 60-year-old man in Qorqanya town, Idlib governorate.

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

- On 18 January 2023, an alleged drone strike killed three civilians, including a child, and injured another civilian near Al-Qahtaniya, Al-Hassakeh governorate.

- On 3 February 2023, a 13-year-old boy was allegedly killed and a civilian injured when local authorities fired shots to disperse a demonstration in the village of al-Sabha, al-Basira area, eastern rural Dayr al-Zawr governorate.
- On 21 February 2023, reportedly a civilian man was shot and killed while near a checkpoint in al-Sabha village, in eastern rural Dayr al-Zawr.
- On 22 February 2023, during the funeral of the man reportedly killed near a checkpoint in al Sabha village mentioned above, reportedly three civilians, two women and one man, were killed, and another civilian man was injured, as a result of shooting near the funeral tent.
- On 22 February 2023, a drone strike on a car traveling on the al Qamishli-al-Qahtaniyyeh road, in northern rural Hasakah governorate reportedly killed one man
- On 27 February 2023, and improvised explosive device reportedly exploded near the Rufaida al-Aslamia elementary school in al-Kallaseh neighbourhood of Hasakah city, Hasakah governorate, injuring one woman and damaging the school.
- On 9 March 2023, twelve civilians from the Al Busayra tribe were reportedly abducted and killed while collecting truffles in the Jabel Bishri area, western Dayr Az Zawr governorate.
- On 12 March 2023, small arms fire near a checkpoint in Hasakah city, Hasakah governorate reportedly killed one civilian man and injured a 16-year old boy who survived but was allegedly detained later at the hospital.
- On 19 March 2023, a group of civilians from the Al Busaraya tribe were allegedly abducted and attacked in the Jabel Bishri area, western Dayr Az Zawr governorate. Two men were reportedly killed and three were abducted and found dead on 3 April.
- On 16 April 2023, five civilians – shepherds – including one child, were reportedly killed in a desert area of Buqrus, eastern Dayr Az Zawr governorate.

#### Attacks and other incidents in Damascus, Hama, Homs, As Suwayda and Dar'a governorates

- On 1 January 2023, approximately 200 Syrians who had returned to Syria from Lebanon were allegedly detained and extorted by Government forces in Wadi Khaled, Homs governorate. The whereabouts of some remain unknown since.
- On 26 January 2023, a civilian man was reportedly killed during clashes between Government forces and alleged armed group members near Al-Sharq Hospital, Dara'a city.
- On 17 February 2023, at least 50 civilians, including at least two children, were reportedly attacked and killed while collecting truffles in a desert area near Al-Sukhna city, Homs governorate.
- On 19 February 2023, airstrikes allegedly impacted a residential area in Kafr Souseh, Damascus governorate. Reportedly, among the casualties were at least two civilians, and a cultural centre and two educational facilities were reportedly severely damaged.
- On 7 and 22 March 2023, as well as on 2 May 2023, airstrikes allegedly struck Aleppo International Airport. The airstrikes caused damage to the runway, rendering it out of service.
- On 23 March 2023, at least six civilians were reportedly killed, and unknown number of others went missing, while collecting truffles between Jar Marina and Harbya, in Salamya district, Hama governorate.
- On 4 April 2023, airstrikes in the Al-Kiswah area, countryside of Damascus governorate, allegedly killing one civilian.
- On 8 May 2023, airstrikes hit southern Syria, reportedly killing eight civilians, including six children, in their home in the village of Al-Sha'ab, east of As Suwayda.
- On 16 May 2023, one civilian man was reportedly killed by unknown gunmen in front of his house in the Izraa town, Dar'a governorate.

## Annex II

### 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 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.