

**Human Rights Council****Forty-ninth session**

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Agenda item 4

Human rights situations that require the Council's attention**Report of the Independent International Commission of Inquiry on the Syrian Arab Republic* *****Summary*

In the present report, submitted to the Human Rights Council pursuant to its resolution 46/22, the Independent International Commission of Inquiry on the Syrian Arab Republic presents its findings based on investigations conducted between 1 July 2021 and 31 December 2021. The report documents grave violations of fundamental human rights and humanitarian law across the country. They range from a bride killed at her wedding along with four young sisters to the siege in Dar'a al-Balad, by pro-government forces. They also include the continued incommunicado detention and/or disappearance of tens of thousands of Syrians and the Government's failure to inform families of their fate. In north-eastern Syrian Arab Republic, nearly 60,000 individuals, mainly women and children, are interned in camps in the direst of conditions; in northern Syrian Arab Republic, the Syrian National Army and Hay'at Tahrir al-Sham seize and occupy displaced civilians' private property; and in Afrin multiple deaths and injuries were caused by the detonation of a vehicle-borne improvised explosive device in a vegetable market. Throughout the country, Syrians are prevented from speaking freely and are at risk of being arbitrarily detained, and Hay'at Tahrir al-Sham is specifically curtailing women's freedoms. The crisis in the Syrian Arab Republic is exacerbated by the presence of five foreign militaries, various non-State armed groups and United Nations-designated terrorist entities. The economy is in freefall: an estimated 90 per cent of the population is living below the poverty line, and the national currency lost close to 80 per cent of its value in 2021. Seven million Syrians are internally displaced and seven million are refugees.

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

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



I. Mandate and methodology

1. In preparing the present report, pursuant to its established methodology and guided by standard practices of commissions of inquiry and human rights investigations, the Independent International Commission of Inquiry on the Syrian Arab Republic¹ relied primarily on 322 interviews, conducted in person and remotely.² Documents, reports, photographs, videos and satellite imagery from multiple sources were collected and analysed.³ Communications from Governments and non-governmental organizations were taken into consideration, as were United Nations reports. The Commission also requested, in writing and during meetings, information on incidents, events and developments from the Government, parties to the conflict and States Members of the United Nations.⁴ The standard of proof was considered 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.

2. The Commission's investigations remain curtailed by the denial of access to the country and by protection concerns in relation to interviewees. In all cases, the Commission remained guided by the principle of "do no harm".

3. The Commission thanks all who provided information, in particular victims and witnesses.

II. Political, military and humanitarian developments

4. Despite efforts under the auspices of the United Nations to facilitate a constructive international dialogue to achieve peace, there has been little progress to date, and calls for a nationwide ceasefire remain unheeded.⁵ Five foreign military forces,⁶ as well as non-State armed groups and United Nations-designated terrorist entities, remain active in the Syrian Arab Republic.⁷

5. The reporting period saw significant levels of violence involving all parties to the conflict and a notable increase in pro-government⁸ air strikes and shelling in Idlib. In particular, July and August marked an intensification of shelling south of the M4 highway. In Dar'a al-Balad, a neighbourhood of Dar'a city, where opposition members had retained a degree of autonomy since "reconciliation" agreements were imposed in July 2018,⁹ intense fighting and a government siege that lasted 75 days temporarily displaced over 38,000

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

² Owing to the travel limitations related to the coronavirus disease (COVID-19) pandemic, the majority of the interviews were undertaken remotely.

³ The Government of the Syrian Arab Republic periodically addresses identical letters to the Secretary-General, the President of the Security Council and others in relation to situations of concern. The Commission analysed 16 such letters submitted by the Government between 1 July and 31 December 2021.

⁴ In a communication dated 30 November 2021, the Commission sought information from the Government of the Syrian Arab Republic on issues and incidents (see annex VI), but received no reply. The Commission also addressed 10 information requests to other parties to the conflict and other States Members of the United Nations, and is thankful for the ensuing responses and exchanges.

⁵ See [https://specialenvoysyria.unmissions.org/sites/default/files/2021-10-](https://specialenvoysyria.unmissions.org/sites/default/files/2021-10-27_secco_un_special_envoy_for_syria_mr_geir_o_pedersen_briefing_as_delivered.pdf)

[27_secco_un_special_envoy_for_syria_mr_geir_o_pedersen_briefing_as_delivered.pdf](https://specialenvoysyria.unmissions.org/sites/default/files/2021-10-27_secco_un_special_envoy_for_syria_mr_geir_o_pedersen_briefing_as_delivered.pdf).

⁶ Iran (Islamic Republic of), Israel, the Russian Federation, Turkey and the United States of America. Smaller contingents of other foreign forces allied to various national and international conflict actors, including as part of the international counter-Da'esh coalition, are also present on the ground or operating in Syrian airspace.

⁷ For a map of the Syrian Arab Republic, see annex I.

⁸ For more on the use of the term "pro-government" in such contexts, see [A/HRC/46/54](#), para. 19, footnote 27.

⁹ [A/HRC/42/51](#), para. 68.

people.¹⁰ Hostilities culminated in an agreement between government forces and opposition members, signed on 9 September, although insecurity continued. Additionally, pro-government air strikes targeted Operation Euphrates Shield areas (see annex II) in the north. Northern areas also saw sporadic exchanges of shelling along the front lines between the Syrian Democratic Forces and the Syrian National Army, as well as by Turkish forces, and an increase in drone strikes by the latter.¹¹ The Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America also carried out strikes in the north, targeting individual members of Al-Qaida and Da'esh.¹² For its part, Israel also conducted air strikes across the country, including twice on the port in Latakia. In October, the Government of the Syrian Arab Republic accused Israel of killing by sniper fire a high-ranking Syrian official in Qunaytirah Governorate.¹³

6. Deadly attacks by unconfirmed perpetrators involving improvised explosive devices remained frequent, causing civilian casualties.

7. Following close to nine months of negotiations by the Special Envoy of the Secretary-General for Syria, the sixth session of the small drafting body of the constitutional committee was held from 18 to 22 October in Geneva.¹⁴ However, the co-chairs representing the Government of the Syrian Arab Republic and the opposition did not agree on the next steps.¹⁵

8. On the regional front, there were efforts by some Member States to re-engage with the Government of the Syrian Arab Republic and restore diplomatic, security and economic ties. Most, however, continued to call for a political solution to the conflict that would, inter alia, ensure the safe return of refugees. For some countries, these remain preconditions for the return of the Syrian Arab Republic to the League of Arab States.

9. The Syrian economy continued to spiral downwards. Approximately 90 per cent of the population now lives below the poverty line.¹⁶ In 2021, the Syrian pound lost close to 80 per cent of its value, and the Turkish lira – used in some northern regions – 40 per cent. Food prices have increased by over 200 per cent.

10. Reflecting growing concerns about the humanitarian impact of sanctions, the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights noted on 8 December 2021 that the complexity of sanctions regulations, combined with extraterritorial enforcement and heavy penalties, have led to widespread over-compliance.¹⁷ This results in banks being reticent to process humanitarian transactions and transport companies refusing to handle humanitarian shipments. The Department of the Treasury of the United States, in its own review, also recommended a calibration of sanctions to mitigate unintended humanitarian impacts on non-targeted populations.

11. Humanitarian needs across the country increased by more than one quarter since 2020 and are at their highest levels since the conflict in the Syrian Arab Republic began. According to the United Nations Children's Fund (UNICEF) and the Office for the Coordination of Humanitarian Affairs, 14 million people, including 6.1 million children, require assistance,¹⁸

¹⁰ See https://reliefweb.int/sites/reliefweb.int/files/resources/210823_OCHA%20Syria_Dar%27a%20Flash%20Update-3_FINAL.pdf.

¹¹ See https://specialenvoysyria.unmissions.org/sites/default/files/2021-09-28_secco_un_special_envoy_for_syria_mr._geir_o._pedersen_briefing_as_delivered_.pdf.

¹² See paras. 63–64 below; <https://www.gov.uk/government/publications/british-forces-air-strikes-in-iraq-monthly-list/raf-air-strikes-in-iraq-and-syria-january-to-december-2021>; <https://www.defense.gov/News/Transcripts/Transcript/Article/2863617/pentagon-press-secretary-john-f-kirby-holds-an-on-camera-press-briefing/>; and https://tass.ru/politika/13272779?utm_source=yxnews&utm_medium=desktop (in Russian).

¹³ See S/2021/814.

¹⁴ See also A/HRC/48/70, para. 14.

¹⁵ See <https://news.un.org/en/story/2021/10/1103822>.

¹⁶ See <https://gho.unocha.org/syrian-arab-republic>.

¹⁷ See <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27931&LangID=E>.

¹⁸ See <https://reliefweb.int/country/syr#key-figures>.

while nearly 7 million people are internally displaced, including 3.1 million children.¹⁹ The World Food Programme estimates that 12.4 million Syrians are food insecure, which represents an increase of 4.5 million in the last year alone.²⁰

12. Those in the north and north-east of the country faced an acute water crisis due to a combination of factors related to climate change, including low water levels of the Euphrates River, record low precipitation and higher than average temperatures.²¹ Access to water has been further diminished as a result of widespread destruction of and damage to water facilities, at times deliberate, over the course of the 11-year conflict, including at the Uluk water station, in the north-east,²² and most recently in Idlib in early January 2022.²³ It is estimated that the country has up to 40 per cent less drinking water today than it did a decade ago.²⁴

13. The country's economic decline also negatively affected child rights, including the right to education and to freedom from child marriage and child labour. Parents were being forced to take their children out of school, in order to marry off their girls and send their boys to work.

14. The coronavirus disease (COVID-19) pandemic continued unabated during the reporting period. The country went through a fourth wave in conditions that included extremely low vaccination rates (3.2 per cent fully vaccinated by end November 2021)²⁵ and limited intensive care facilities.

15. Security Council resolution 2585 (2021), which was extended on 11 January 2022 without a vote, allowed cross-border United Nations humanitarian assistance in the north-west of the Syrian Arab Republic to continue only through the Bab al-Hawa crossing. Nevertheless, the delivery of critical aid was hindered by insufficient funding, the continued closure of additional border crossings, and impediments to cross-line operations in the north-west,²⁶ including attacks along the aid route in territory controlled by Hay'at Tahrir al-Sham.

16. During the reporting period, there was marked progress on accountability. In Germany, the Koblenz Higher Regional Court issued a landmark verdict on 13 January 2022 finding the former director of Syrian intelligence service Branch 251 guilty of the crimes against humanity of murder, torture, deprivation of liberty, rape and sexual assault.²⁷ A court in the Netherlands convicted a former Jabhat al-Nusrah fighter for the murder of a Syrian soldier in 2012, sentencing him to 20 years of imprisonment.²⁸ Meanwhile, a German prosecutor indicted a Syrian doctor for crimes against humanity involving torture and murder at medical and detention facilities in Damascus and Homs.²⁹ In a positive development in the area of corporate accountability, the Court of Cassation in France overturned a 2019 appellate decision, allowing an indictment against the French multinational company Lafarge to

¹⁹ See <https://reliefweb.int/report/syrian-arab-republic/humanitarian-action-children-2022-syrian-arab-republic>.

²⁰ See <https://www.wfp.org/countries/syrian-arab-republic>.

²¹ See <https://reliefweb.int/report/syrian-arab-republic/water-crisis-northern-and-northeast-syria-immediate-response-and-funding>.

²² See A/HRC/43/57, para. 50.

²³ See <https://reliefweb.int/report/syrian-arab-republic/1-million-people-risk-due-severe-interruptions-alouk-water-station-enar> and <https://news.un.org/en/story/2022/01/1109112>. See map in annex III.

²⁴ See <https://reliefweb.int/report/syrian-arab-republic/syria-water-crisis-40-less-drinking-water-after-10-years-war>.

²⁵ See https://reliefweb.int/sites/reliefweb.int/files/resources/who_syria_emergency_appeal_2022.pdf.

²⁶ S/2021/1029, paras. 5 and 49–53.

²⁷ See <https://olgko.justiz.rlp.de/de/startseite/detail/news/News/detail/lebenslange-haft-ua-wegen-verbrechens-gegen-die-menschlichkeit-und-wegen-mordes-urteil-gegen-ein/> (in German). For more on Branch 251, see, e.g., A/HRC/31/CRP.1, para. 56.

²⁸ See <https://deeplink.rechtspraak.nl/uitspraak?id=ECLI:NL:RBDHA:2021:7533> (in Dutch).

²⁹ See <https://www.generalbundesanwalt.de/SharedDocs/Pressemitteilungen/DE/2021/Pressemitteilung-vom-28-07-2021.html> (in German). The suspect was arrested in June 2020 and formally charged in a public indictment in July 2021.

proceed on charges of complicity in crimes against humanity for payments allegedly made to Da'esh.³⁰

17. In a separate decision, however, the same court quashed the indictment of a Syrian member of the armed group Army of Islam arrested in France and accused of crimes against humanity in relation to the disappearance of the “Duma four” in 2013. The Court of Cassation reasoned that crimes against humanity were not criminalized in the Syrian Arab Republic, while French law requires double criminalization for non-nationals in universal jurisdiction cases.³¹

18. The Commission is concerned by recent reporting on systemic failures concerning investigations into possible war crimes and other incidents causing civilian harm in the Syrian Arab Republic by the United States-led coalition.³² Whistle-blower allegations of a cover-up of a 2018 air strike in Baghuz that killed dozens of women and children and that could amount to a war crime led the United States Department of Defense to launch a review of the incident.³³ Subsequent reporting alleged that hundreds of other reports of civilian casualties caused by United States-led coalition air strikes in the Syrian Arab Republic had been dismissed because members of the cells responsible for investigating reports lacked basic skills, situational awareness or the internal information necessary to accurately assess such claims.³⁴ The Commission notes that its own investigations into civilian harm, violations of international humanitarian law and potential war crimes have also been left without action by the members of the coalition and other Member States.³⁵

19. Syrian victims’ associations made extensive efforts in advocating for Member States to facilitate the creation of an independent mechanism with an international mandate to coordinate and consolidate claims regarding missing persons, including persons subjected to enforced disappearance, as also recommended by the Commission.³⁶ The General Assembly adopted, on 24 December 2021, resolution 76/228, in which it requested the Secretary-General to conduct a study on how to bolster efforts to clarify the fate and whereabouts of missing people in the Syrian Arab Republic, identify human remains and provide support to their families. The study is to be presented to the General Assembly within the first half of 2022.

III. Government-controlled areas

20. In July, a 10-week siege of Dar’a city’s southern Dar’a al-Balad neighbourhood began, accompanied by a pro-government forces military offensive that killed and injured civilians and resulted in the displacement of tens of thousands. Hostilities culminated with a Russian-backed agreement on 9 September. In the weeks that followed, similar negotiations occurred in more than a dozen towns across western Dar’a Governorate. Reports indicated

³⁰ See

https://www.courdecassation.fr/decision/6137092ff585960512dfe635?search_api_fulltext=lafarge&sort=&items_per_page=&judilibre_chambre=&judilibre_type=&judilibre_matiere=&judilibre_publication=&judilibre_solution=&op=&date_du=&date_au=&previousdecisionpage=0&previousdecisionindex=6&nextdecisionpage=0&nextdecisionindex=8 (in French).

³¹ See https://www.courdecassation.fr/decision/619de43eb458df69d4022a18?sort=date-desc&items_per_page=20&search_api_fulltext=&expression_exacte=&date_du=&date_au=&judilibre_chambre=&judilibre_type=&judilibre_matiere=&judilibre_publication=&judilibre_solution=&op=Trier (in French).

³² See <https://www.nytimes.com/2021/11/13/us/us-airstrikes-civilian-deaths.html>.

³³ See <https://www.defense.gov/News/Transcripts/Transcript/Article/2856143/pentagon-press-secretary-john-f-kirby-and-dr-mara-karlin-performing-the-duties/>; and <https://edition.cnn.com/2021/11/29/politics/pentagon-syria-airstrike-review/index.html>.

³⁴ See <https://www.nytimes.com/2021/11/13/us/us-airstrikes-civilian-deaths.html>. See also <https://www.defense.gov/News/Transcripts/Transcript/Article/2888515/pentagon-press-secretary-john-f-kirby-holds-a-press-briefing/>.

³⁵ A/HRC/46/54, para. 77.

³⁶ A/HRC/46/55, para. 113.

that government forces concluded “reconciliation agreements” with over 12,000 people and collected 1,700 weapons.

21. Two improvised explosive devices, detonated by unknown persons during the Damascus morning rush hour of 20 October, impacted a bus.³⁷ The bus was mainly carrying workers of the military construction institution of the Ministry of Defence. Fourteen passengers died, including two women.

22. Government forces continued to arbitrarily detain persons, and to torture and ill-treat detainees, in some instances until death. Syrians who fled the war to other areas faced increasing administrative obstacles to disposing of and benefiting from their properties, including agricultural lands.

A. Siege on Dar‘a al-Balad and insecurity in surrounding areas

23. On 24 June, pro-government forces sealed off Dar‘a al-Balad after local opposition groups refused to respond to the Government’s demands, which were to give up their weapons³⁸ and, for some, to surrender or leave the area. One entry point remained open, albeit only intermittently and subject to heavy restrictions. Residents had to pay bribes to cross. Humanitarian access was prevented throughout the siege, with only one delivery of aid, in mid-July. Inhabitants reported very limited access to water, food and medicine, and no electricity. Access to health care was further disrupted when the only local medical facility, a makeshift clinic serving an estimated 50,000 people, was rendered inoperable by shelling on 27 July.

24. At the end of July, after negotiations to reach an agreement with the local factions failed, pro-government forces started shelling the area, and initiated a ground offensive, causing civilian casualties and material damage to residential areas, including to mosques, schools and the above-mentioned clinic.

25. On 29 July, unknown perpetrators attacked areas neighbouring Dar‘a al-Balad, including Dar‘a National Hospital, which was hit by at least one mortar shell and rendered partially inoperable. A child was also killed while he was on his way to buy bread.

26. Also on 29 July, attacks by pro-government forces struck residential areas in Yadudah and Jasim, located in western Dar‘a. In the afternoon, artillery rockets struck a house in Hay al-Awsat neighbourhood in Yadudah, killing three children and injuring a woman and two other children. Shelling also impacted a house in Hay al-Arabi neighbourhood, killing a woman and her 22-year-old son; his two brothers, including a child, were injured. In Jasim, shelling reportedly killed one man and damaged civilian property, including a factory. Analysis of the remnants, including video footage, and witness accounts point towards the use of an anti-aircraft weapon in a direct-fire role in the latter case, while the use of artillery rockets appeared likely in the others.

27. There were reports of the use of improvised rocket-assisted munitions as well as other unguided rocket artillery by pro-government forces, including elements of the Fourth Armoured Division of the Syrian Arab Army. These weapons are known for being highly inaccurate.

28. The escalation in hostilities and widespread destruction of residential areas in and around Dar‘a al-Balad led to the displacement of more than two thirds of its estimated population of 55,000 inhabitants by mid-August.³⁹ On 24 August, as residents of Dar‘a al-Balad were trying to leave through the only open crossing point, tensions escalated. Following a verbal altercation, a civilian man was shot and killed by government forces, which also fired indiscriminately at the crowds gathered at the checkpoint, injuring many.

³⁷ See S/2021/889.

³⁸ A/HRC/48/70, para. 23.

³⁹ See

https://reliefweb.int/sites/reliefweb.int/files/resources/210823_OCHA%20Syria_Dar%27a%20Flash%20Update-3_FINAL.pdf.

29. Towards the end of August, as the parties failed to reach an agreement, ground-based attacks by pro-government forces increased again. On 29 August, further shelling on Dar'a al-Balad killed at least two civilian men. Mosques were also damaged. Attacks by pro-government forces were documented in neighbouring towns. In the morning of 26 August, a woman was killed when her residence in the centre of Tafas was hit. According to eyewitnesses, a barrage of 20 to 50 shells originating from the north of Dar'a city, where government forces were located, landed indiscriminately on Tafas, including the market and residential areas, during rush hour. On 29 August, shelling by pro-government forces on Masakin Jalin, western Dar'a also killed one woman.

30. In villages surrounding Dar'a al-Balad to the south, government forces occupied civilian infrastructure and installed military equipment. Approximately 250 families were reportedly prevented by government forces from leaving those areas, and forced to stay in their homes in close proximity to military targets. Several residences were also allegedly looted by government forces.

31. Throughout the offensive, the Government reiterated its demand for individuals to either surrender or leave. Between 24 and 26 August, more than 80 persons, including fighters, their family members and other civilians, were transported in buses provided by the Government to northern Aleppo province, at the front line between government forces and the Syrian National Army, echoing similar transfers in the past.⁴⁰ Upon their arrival in the Syrian National Army-controlled city of Bab, the individuals were held by the Syrian National Army Military Police for over three weeks.

32. An agreement reached on 8 September in Dar'a al-Balad ended the siege and enabled the return of most of the displaced. It also reinforced the presence of government forces within the area through additional military control points. Several former opposition fighters were reportedly arrested across Dar'a by government forces, and the freedom of expression of many others was curtailed within the scope of "reconciliation agreements". Other civilians were also reportedly detained. In November and December, the Syrian authorities also released dozens of people, mostly from Dar'a, detained between 2018 and 2020, in five successive batches. However, the vast number of people from Dar'a who were disappeared prior to 2018 remain unaccounted for (paras. 39–44 below).

33. In November and December, the security situation deteriorated in other towns across the countryside in Dar'a, with numerous reported improvised explosive device attacks and instances of targeted or retaliatory killings on both sides. Six incidents, which resulted in the deaths of four people, including one child, were documented. Those targeted notably included opposition members. Consistent with previously identified patterns of targeted killings, victims were shot with small arms by individuals riding motorcycles or other vehicles.

34. On 29 November, two teachers, including one woman, were killed in a shelling attack on the city of Nawa, which followed on an improvised explosive device attack nearby on a government vehicle that had killed soldiers earlier that day. There were also reports of threats and retaliatory acts against people refusing to "reconcile" with the State. In October, in eastern Dar'a, government military forces destroyed the houses of former opposition fighters reluctant to join "reconciliation agreements". In another raid targeting individuals refusing to "reconcile", two men were killed and another man was arrested, while a civilian woman present nearby was killed by a stray bullet.

35. Within the scope of the siege on Dar'a al-Balad, and other attacks in the wider region, the Commission has reasonable grounds to believe that use by pro-government forces of improvised rocket-assisted munition and other rocket munitions in densely populated areas may amount to the war crime of launching indiscriminate attacks resulting in death or injury to civilians, or damage to civilian objects, including medical facilities. The latter benefit from special protection under international humanitarian law, in all circumstances. In addition, the siege tactics used by pro-government forces further violated the right to access to food and health care, and freedom of movement, and may amount to collective punishment.⁴¹ In

⁴⁰ A/HRC/46/54, para. 47.

⁴¹ See also A/HRC/48/70, para. 28.

locating military objectives within populated areas and preventing civilians from leaving (para. 30 above), government forces may have failed to avoid, to the extent feasible, locating military objectives within or near densely populated areas, in violation of international humanitarian law.

36. Targeted killings of civilians – if perpetrated by parties to the conflict – violate the prohibition of direct attacks against civilians and amount to the war crime of murder.

B. Arbitrary arrests and detention, enforced disappearances, and conditions in detention

37. Arbitrary detention was documented in security branches and civil and military prisons. Patterns of detention-related violations⁴² continue, as government authorities still disregard due process of law and torture detainees, including until death. Many survivors of detention and relatives of victims were reluctant to provide testimony for fear of reprisals by government authorities. Reports released in September and October 2021 described Syrian refugees being arbitrarily detained upon return, subjected to torture – including sexual violence – or disappeared.⁴³

38. Between July and December 2021, more than 30 former detainees, released between mid-2013 and July 2021, confirmed in interviews violations of due process and fair trial rights, including by military field and counter-terrorism courts, as well as torture, ill-treatment and deaths in detention between 2011 and 2021.

39. Families reported learning about the death of their detained relatives while consulting the civil registry. They often had to navigate complex bureaucratic procedures, exposing themselves to security risks and extortion in the effort to discover the fate of their missing loved ones. Even in the rare cases where death notices were issued by the Government, the body was not handed over, the cause of death was not provided and the notification was issued years later.

40. One recent documented case of death in detention occurred in the context of clashes between inhabitants of Al-Mutai, eastern Dar‘a, and the Eighth Brigade of the Fifth Corps of the Syrian Arab Army, when a man wanted by the latter for alleged murder sought refuge in the village. When the inhabitants refused to hand over the man – claiming that the dispute had been settled via the tribal system through the payment of “blood money” – clashes erupted and two members of the Eighth Brigade were killed. On 7 July 2021, the Eighth Brigade raided the village, detaining dozens of men in Branch 600 in the vicinity of Al-Qala‘a prison in Busra al-Sham. While most detainees were released in the following days, some reportedly with signs of ill-treatment, one person who had been subjected to torture was transferred to a hospital in Dar‘a on 10 July, where he died the next day.

41. In another recent instance, a man died in detention on 23 October, after having been arrested for alleged theft a few days earlier and detained at the military intelligence detention facility in Saham al-Jawlan. Although the Military Intelligence Directorate claimed that he had died from a stroke, his body bore clear signs of torture when returned to his family.

42. Based on the information collected in both cases, the Commission has reasonable grounds to believe that the victims died as a consequence of the torture that they had been subjected to while in detention. The detaining entities, both within the Military Intelligence Directorate and within the Eighth Brigade of the Fifth Corps of the Syrian Arab Army, reportedly consisted of former opposition fighters who had “reconciled” with the Government.

43. The cases of detention described above confirm the continuation of patterns of crimes against humanity and war crimes related to torture and ill-treatment in detention, often

⁴² A/HRC/46/55, paras. 14–27 and 83–96.

⁴³ See <https://www.amnesty.org/en/latest/news/2021/09/syria-former-refugees-tortured-raped-disappeared-after-returning-home>; and <https://www.hrw.org/news/2021/10/20/syria-returning-refugees-face-grave-abuse>.

leading to the detainee's death.⁴⁴ All deaths in State custody must be the subject of an independent, transparent and comprehensive investigation and the failure to do so may in and of itself incur the responsibility of the State for the death of the victim.⁴⁵

44. Tens of thousands of individuals forcibly disappeared by government forces remain missing. Government forces continue to inflict cruel, inhuman or degrading treatment on the missing individuals' relatives through the deliberate practice of concealing their fate and whereabouts.

C. Measures affecting property rights

45. Investigations continued into the usurpation of land and property rights of displaced owners, through public auctions in areas retaken by government forces,⁴⁶ in Hama, Dayr al-Zawr and Idlib Governorates. Auctions became more formal and systematized, indicative of an emerging, deliberate governmental policy in this regard. Auctions have been announced based on orders signed by governors. "Local committees" – at least at the district level – were created to conduct a land census to prepare auction lists, which are usually also signed by governors. The resulting lists indicate information regarding the land, such as the location, surface area and type (sometimes also including an indication as to the crop and estimated production), and the owner's name and status. The landowner's status ("not present", "outside the country", "armed man", "army defector" or "terrorist") reflects the fact that the majority of affected displaced owners currently reside outside government-controlled areas, including abroad. A number of owners appearing on the lists explained to the Commission that they dare not return to tend to their land out of fear of being arrested.

46. The land targeted for auctions usually grows high-value crops, such as olive and pistachio trees, or is used for the cultivation of cotton, wheat and other cereals, or vegetables. The auction winners pay for access to the fields for six months or a year or – as relates to trees – during the harvest, and this even if the official (absent) owner has continued to pay workers to take care of the trees over the year. Relatives of the absent landowners have the possibility to apply to access a specific procedure and pay to prevent an auction, a prohibitively costly procedure. Auction winners are usually high-ranking members of pro-government militias or other personalities with close links to government authorities. In several instances, these individuals had already been unlawfully occupying and cultivating the land they subsequently won in the auctions, or had stolen its harvest. Such auctions hence appear to formalize the unlawful practice of land occupation and harvest confiscation by pro-government militia and other local actors.

47. Between July and December 2021, such auction lists documented by the Commission included more than 1,440 owners and 33,600 dunums⁴⁷ of land in eight localities in Hama; more than 10,000 dunums of land in three localities in Dayr al-Zawr and at least 61,991 dunums of land in Idlib. Almost all owners who spoke to the Commission mentioned that, while the surface area indicated in the lists amounted to only a small portion of their land, their entire property had been continuously occupied ever since.

48. A new circular adopted by the Ministry of Justice on 15 September 2021 may have a further impact on the property rights of displaced Syrians and on the ability of relatives of missing owners to administer their properties. It inhibits the process of arranging to act on behalf of absent or missing Syrians regarding their properties, by making security clearances⁴⁸ – of both the representative and the represented – a precondition to such power-of-attorney arrangements.

49. Also in September, Presidential Decree No. 237 established the "northern entrance to Damascus zoning area", including parts of Qaboun and Harasta towns, as an additional step towards enabling expropriation in parts of former opposition-held areas. While the Decree

⁴⁴ See also A/HRC/46/55, paras. 87 and 90.

⁴⁵ A/HRC/31/CRP.1, para. 8.

⁴⁶ A/HRC/48/70, paras. 38–43.

⁴⁷ One dunum is 1,000 square metres.

⁴⁸ A/HRC/45/31, para. 32 and footnote 37.

does not include specific reference to Law No. 10 of 2018, which provides for rezoning while allowing expropriations against compensation through undervalued shares,⁴⁹ the indicated procedure seems to be in line with that law.

50. The cases described above show that increasingly discriminatory impediments are being imposed on absent Syrians – displaced persons currently residing abroad or in areas that are not under the Government’s control –relating to their property.⁵⁰ The property rights of displaced persons are specifically protected under customary international humanitarian law and must be respected by all parties. International human rights law also guarantees that no one is to be arbitrarily deprived of their property. Confiscation of private property by parties to the conflict (paras. 46–47 above), in particular when generating personal gain, may amount to pillage, which is a war crime.

IV. Idlib and western Aleppo

51. After a lull in violence following the 5 March 2020 ceasefire, hostilities intensified in the first half of 2021.⁵¹ The frequency of attacks by pro-government forces in the north-west of the country further increased in the run up to the summit between the President of the Russian Federation, Vladimir V. Putin, and the President of Turkey, Recep Tayyip Erdoğan, in Sochi, Russian Federation, on 29 September 2021, although clashes and mutual shelling continued throughout the reporting period, causing further death and displacement. The end of December saw another escalation. Residential areas were attacked by pro-government forces; in the incidents investigated by the Commission, 42 children were killed, more than half of them in July and August alone. Reports indicate that as many as 64 children were killed in in the north-west of the Syrian Arab Republic during the reporting period (see annex III). These figures demonstrate the pervasive lack of security in the north-west. Witnesses and survivors said the attacks appeared to be aimed at harming civilians, increasing destruction and displacement and weakening chances for economic recovery or stability in opposition-held areas.

52. As hostilities continued to intensify in the southern Idlib area, humanitarian actors reported that at least 11,000 persons were displaced in July and August alone, while some returns were also registered.⁵² Harsh living conditions in displacement camps⁵³ led some civilians to leave the camps and return to homes closer to the front line, despite heightened risks to their health and security and deteriorating access to services.

53. Several humanitarian organizations ceased their activities in southern Idlib due to persistent hostilities. Without humanitarian support programmes, the inhabitants of Ariha have, for instance, been living without running water since April 2021. Reportedly, only one small hospital was left to provide emergency services within the southern Idlib area, delivering primary care to injured persons, who must then be transported to Idlib city. In areas hit by hostilities, first responders operate despite the fear of being targeted, as previously documented by the Commission.⁵⁴

54. People living in the north-west of the country not only suffer from attacks by pro-government forces, they were also subjected to continued restrictions on fundamental rights and freedoms by Hay’at Tahrir al-Sham and the group’s “salvation government”.⁵⁵ The pattern of arbitrary detention of perceived political opponents and media workers persisted.⁵⁶

⁴⁹ A/HRC/39/65, para. 91; and A/HRC/40/70, para. 18.

⁵⁰ See also the principles on housing and property restitution for refugees and displaced persons, sects. 18–19.

⁵¹ A/HRC/48/70, para. 44.

⁵² See <https://reliefweb.int/report/syrian-arab-republic/recent-developments-northwest-syria-and-raata-situation-report-no-29> and <https://reliefweb.int/report/syrian-arab-republic/syrian-arab-republic-developments-north-west-syria-and-ras-al-ain-tell>.

⁵³ A/HRC/44/61, paras. 106–108; and S/2021/1029, para. 9.

⁵⁴ A/HRC/48/70, para. 79; and A/HRC/43/57, para. 23.

⁵⁵ A/HRC/48/70, para. 46 and footnote 31.

⁵⁶ Ibid., paras. 67–71; and A/HRC/46/55, para. 62.

Those perceived as opposing the “salvation government” were also at risk of property confiscation.

A. Conduct of hostilities

55. Between July and December 2021, 14 attacks by pro-government forces that killed and injured civilians across Idlib and surrounding areas were documented by the Commission. The Commission has addressed requests to the Government for information regarding the presence of legitimate military targets in all of those incidents, but to date the requests remain unanswered. One attack, carried out by United States forces, that caused civilian casualties was also documented. Villages south of the strategic M4 highway were the most exposed to attacks, in particular the Jabal al-Zawiyah area, as well as towns such as Idlib and Ariha (see annexes III and IV).

56. Both Idlib city and Ariha town were subjected to indiscriminate attacks on densely populated civilian areas. At least five artillery strikes hit parts of Idlib city and its suburbs in the evening of 7 September. The attack killed four persons, including one woman and one child, and left at least 15 injured. A young woman who had just graduated from college was killed in the city, while a 4-year-old boy and his father, a university professor, were killed on the outskirts of the city. Available information suggests that the munitions that hit the city were unguided artillery fired from the south-west. In another incident affecting civilian-populated areas, at least 10 munitions hit across an area of approximately 900 square meters of central Ariha town on 20 October between 8 and 8.15 a.m. as children were on their way to school. The attack killed at least 13 people, including 4 children and 1 female teacher. At least 21 others were injured, including children and women. Two schools were damaged in the attack, along with residential and commercial buildings. Information available to the Commission suggests the use of unguided ground-to-ground artillery, most likely fired from the south or south-west of the city. In neither case was there any indication of a military objective in the targeted urban areas, and both incidents are consistent with the previously identified pattern of pro-government forces launching indiscriminate attacks on densely populated areas.

57. Another attack using unguided munitions hit a displacement camp for widows and children located near the village of Turmanin, Idlib Governorate, in the afternoon of 27 October, killing an 11-year-old boy, injuring five others, including children, and severely damaging residential areas. The closest military objective was a Turkish outpost approximately 4 kilometres from the camp. Remnants observed at the site indicate the use of unguided Grad rockets. At least three were fired successively, with each impacting closer to the camp until the last one struck it, suggesting that the camp itself was targeted, which is also consistent with previous patterns.⁵⁷

58. The use of precision-guided artillery shells by pro-government forces in the north-west was a persistent feature during this period, alongside the use of unguided artillery, more common in prior periods. Artillery shells with a guidance system, of the Krasnopol or Krasnopol-type, are launched from a standard artillery gun and are then guided to the precise target by a laser aimed at the target by a drone. The Commission documented five attacks consistent with the use of such weapons, featuring precise impacts on buildings on the first strike, the presence of drones confirmed by witnesses and flight observers, and reports that the munitions were fired from areas controlled by pro-government forces. In three incidents – in Sarjah, Balshun and Kansafrah – remnants of Krasnopol-type guidance systems were observed following the attacks.

59. Precision artillery strikes were used against first responders in an incident on 17 July, when a civilian home was impacted twice, killing five people, including four children in Sarjah village. When first responders approached, another munition killed two people and injured five. Remnants of a guidance system were observed. In another incident, on 8 September, the small medical clinic in Mar'yan village, which also had a residential home on the upper floor, was struck precisely by two munitions, killing one woman and severely

⁵⁷ A/HRC/43/57, annex II.

injuring her son, while six medical workers managed to escape between the first strike and the second strike, which came 15 minutes later. The clinic, the last functional medical centre in the Jabal al-Zawiyah area, was severely damaged.

60. In two other incidents, on 3 July in Balshun and 20 August in Kansafrah, precision artillery strikes impacted houses in each village in the early morning hours. The attack in Balshun killed one child and injured four others, while the attack in Kansafrah killed four children between the ages of 5 and 12 and injured two men. Remnants consistent with Krasnopol munitions were observed at both locations.

61. In another incident, an artillery shell struck a civilian house in Ihsim where a family had gathered to celebrate a wedding on 17 July. The bride was killed and the groom injured. Two other women and six girls were killed, including four sisters, aged between 1 and 7 years old. Eight other family members were injured, including three children. According to witnesses, the attack was launched from an area under the control of pro-government forces, following sightings of surveillance drones in the area.

62. Air strikes also continued, causing civilian harm during the reporting period. One attack on the morning of 11 November hit a residential building and a poultry farm between the town of Ma'arratmisrin and Idlib city, killing three children aged between 8 months and 7 years, and the parents of two of them, and injuring at least one other person. Interviewees, including the father of one of the boys killed, reported no military objective in the area. Interviewees and observers mentioned the presence of a Russian Federation fixed-wing aircraft in the area at the time of the attack, which had reportedly departed Humaymim air base 26 minutes prior.

63. On 3 December, between Ariha and Mastuma, a publicly acknowledged United States air strike killed an alleged Al-Qaida member and injured six civilians travelling on the same road as their car overtook the targeted person's motorcycle.

64. Similarly, on 11 December, near Jadida town, a publicly acknowledged Russian Federation air strike targeted an alleged leader of Jund al-Sham, a Chechen group affiliated with Hurras al-Din. The strike reportedly killed at least two people, including a child, and injured nine other children and four women.

65. In reference to the use of highly explosive unguided munitions in densely populated urban areas (para. 56 above), the Commission has reasonable grounds to believe that pro-government forces have committed the war crime of launching indiscriminate attacks resulting in loss of life or injury to civilians. Furthermore, through precision attacks that appear to have directly targeted first responders and a medical clinic (para. 59 above), pro-government forces may have committed the war crimes of intentionally attacking medical personnel and of directing an attack against a medical facility. In relation to incidents where a displaced persons camp (para. 57 above) and numerous civilian homes (paras. 60–62 above) were precisely targeted without any apparent military objective present, pro-government forces may have committed the war crime of directing attacks against civilians.

66. Regarding the alleged targeted killing of terrorism suspects (paras. 63–64 above), causing civilian casualties, because of the relatively recent occurrence of the incidents, the Commission continues to investigate these events.

B. Arbitrary arrest and detention, and conditions in detention

67. As part of an ongoing systematic effort to stifle political dissent, Hay'at Tahrir al-Sham continued to curtail fundamental freedoms, detaining people perceived to be affiliated with opposing parties, critics of the ruling authorities, and journalists and media activists.⁵⁸

68. Several cases were documented of media activists detained for appearing to criticize Hay'at Tahrir al-Sham and the "salvation government". Some were released within days, others remain detained as at the time of writing. The television channel Orient News TV was

⁵⁸ See also A/HRC/48/70, paras. 67–71.

suspended in August 2021 for almost a month because Hay'at Tahrir al-Sham disagreed with how the channel portrayed the group and other factions.

69. Other documented cases showed the tight control Hay'at Tahrir al-Sham wielded over civilians' daily life. People were detained following comments made in private conversations pertaining to the cost of living or religious matters. These comments were qualified as slander and blasphemy, with the latter leading to a sentence of one year of imprisonment. The Al-Falah entity (former Hisbah), in charge of policing compliance with the social behaviour and dress code rules imposed by Hay'at Tahrir al-Sham, continued to arrest women for being "inappropriately" dressed, and for non-compliance with entertainment-related bans. In September, a new "moral police" was reportedly established, upon the dissolution of the Al-Falah entity.

70. In "security-related" cases, the procedural rules set by Hay'at Tahrir al-Sham deny access to a lawyer, yet death sentences were issued against detainees accused on such charges, such as cooperation with the international coalition. Former detainees described how children, including orphans, were held alongside adults. They also reported torture and sexual violence, corroborating previously established patterns.⁵⁹ For instance, one woman recently interviewed described the months she spent in detention in Idlib between 2018 and 2019, during which she had been subjected to humiliation and sexual violence. She explained how she was forced to undress fully during interrogation sessions that took place within the presence of several men, and allowed to put on one piece of clothing each time she answered a question. Family members faced difficulties in finding out about detainees' whereabouts and, in several cases, unlawfully held detainees were released only following pressure by influential actors or in the media.

71. The Commission has reasonable grounds to believe that Hay'at Tahrir al-Sham continued to detain people arbitrarily, including journalists, media activists and women. Its enforcement of so-called morality codes disproportionately affected women and girls, amounting to gender-based discrimination in the enjoyment of their rights. Arrests and interference in the media violated the right to freedom of expression. Further, Hay'at Tahrir al-Sham continued to disregard the due process of law, in particular in "security-related" detention cases in which the accused were sentenced to death, amounting to the war crimes of the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court.

C. Seizure of property

72. Several reports and witness accounts were received about the Hay'at Tahrir al-Sham seizing or using private property, for example houses and land, including through a committee called the "properties committee", formerly the "spoils of war committee". The confiscation specifically affected properties of Syrians having fled the area, as well as of those perceived to be supporting the Government of the Syrian Arab Republic or otherwise opposing Hay'at Tahrir al-Sham's rule. The property of minority groups, such as Christians, were specifically targeted. Seized properties were typically attributed to Hay'at Tahrir al-Sham members and their families, while others were rented to internally displaced persons, for the profit of the "salvation government".

73. Property rights of displaced persons are specifically protected under customary international humanitarian law and must be respected by all parties. The described confiscation of properties may amount to the war crime of pillage, particularly in cases where the confiscated properties were attributed to Hay'at Tahrir al-Sham members.

⁵⁹ A/HRC/46/55, para. 65.

V. Northern Aleppo, and the Ra's al-Ayn and Tall Abyad regions

74. Despite an improvement in the overall security situation, in comparison to the immediate aftermath of Operation Peace Spring and Operation Olive Branch, people in northern Aleppo, and the Ra's al-Ayn and Tall Abyad regions, continued to live amid fear of shelling and improvised explosive devices. While the Ra's al-Ayn and Tall Abyad regions experienced a relatively calm period, northern Aleppo witnessed several incidents of shelling and vehicle-borne improvised explosive devices. In this highly volatile region, civilians are caught between several conflicts, involving both pro-government and Turkish forces as well as non-State armed groups, such as the Syrian National Army and the Syrian Democratic Forces.⁶⁰

75. Unlawful deprivation of liberty by Syrian National Army factions continued, with detainees being tortured and ill-treated. Death in detention and disappearances were also reported. As civilians continued to be detained by Syrian National Army factions for "security-related" offences and alleged criticism of the authorities in place, others were arrested when trying to reclaim their land. In Afrin, the olive harvest season saw an increase in violence, arrest-related extortion, and housing, land and property-related violations. Despite Syrian National Army orders, viewed by the Commission, prohibiting child recruitment, increases in recruitment by and use of children by Syrian National Army factions were reported and are currently under investigation.

A. Indiscriminate attacks on the civilian population

76. Improvised explosive devices continued to indiscriminately kill people and cause material damage in northern Aleppo, including in and around the cities of Afrin, Bab, I'zaz and Jarabulus. At least 35 incidents of shelling and improvised explosive devices were documented in the second half of 2021; the incidents caused 34 fatalities and more than 120 injuries.

77. The Commission documented nine improvised explosive device detonations between July and October 2021, which killed at least 18 people and injured dozens. Improvised explosive devices detonated in crowded areas such as markets, busy streets and a fuel store, as well as on connecting roads. The deadliest incident took place in the city of Afrin on 11 October 2021 around midday, when a vehicle-borne improvised explosive device exploded in a busy roundabout close to the vegetable market, killing 7 persons and injuring 20 more. While the local authorities blamed Kurdish groups for the explosion, the Commission received insufficient information to formulate any conclusion in this regard. None of the recorded improvised explosive device incidents was claimed by any party.

78. Other incidents also occurred in Afrin and other areas adjacent to Tall Rif'at, in which Syrian Democratic Forces, as well as Syrian and Russian forces, are present.⁶¹ In July and August 2021, there were several incidents of artillery shelling, which reportedly killed 10 civilians and injured at least 74.

79. In one incident, a guided missile impacted a civilian truck with a crane near a Turkish military outpost close to Hawzan village on 5 August, killing two brothers and injuring their cousin. When civilian first responders arrived with a fire truck and an ambulance, a second guided missile destroyed the ambulance, injuring two first responders. The missiles and shooting that followed allegedly came from an area nearby, controlled by Syrian Democratic Forces, Syrian forces and Russian forces.

80. More recently, in the early evening of 19 November 2021, three to six rockets impacted three buildings on a residential street in Afrin, killing 3 civilians and injuring 17 others, including 8 children and several women. Two hospitals are located nearby, among

⁶⁰ See, for example, A/HRC/46/55, para. 94; and A/HRC/45/31, paras. 67–68.

⁶¹ See annex II and A/HRC/43/57, para. 14.

them the Shifa' hospital that was hit by an earlier deadly attack in June.⁶² The area is also known to host multiple Turkish and Syrian National Army military and security locations and has been the focus of repeated shelling over the reporting period.

81. The strikes by pro-government forces or the Syrian Democratic Forces on populated areas (paras. 78–80 above) may amount to the war crime of launching indiscriminate attacks resulting in death or injury to civilians. In addition, as previously concluded, if the improvised explosive device attacks (paras. 76–77 above) have been carried out by parties to the conflict, they may amount to the war crime of launching indiscriminate attacks resulting in death or injury of civilians.⁶³

B. Arbitrary arrest and detention, enforced disappearances, and conditions in detention

82. Sources reported that the effectiveness of the Syrian National Army quasi-judicial structures was increasing, but that individual factions continued detaining people arbitrarily, outside of such processes. Former detainees reported that factions conducted arrests and were responsible for the running of detention facilities, with Turkish intelligence officials sometimes present at or directing interrogations. Many detainees reported never having been brought before a judge, and that their release had been secured by bribes or external pressure. Others reported that they only saw a judge towards the end of their time in detention, in some cases after several years.

83. Reports continued to be received of civilians being detained by Syrian National Army elements for alleged security offences and for criticizing Syrian National Army factions. The arbitrary detention of journalists is being investigated. Other persons were detained as reprisals in personal or property disputes, including individuals who had submitted formal claims to retrieve their property (para. 91 below).

84. Recently released detainees reported torture and ill-treatment in Syrian National Army detention centre perpetrated earlier in 2021. The reports include allegations of torture directly causing death. Torture and ill-treatment allegedly took place mainly during interrogation sessions and included beating, stress positions, the use of Tasers, and electric shocks, including to genitals. Female detainees were also photographed in underwear. Such practices were mostly reported in the detention centres at the Hamza Division headquarters in Hawar Killis, and in Rai, as well as in temporary informal detention sites. Most allegations involve accusations against the Hamza Division and the Sultan Murad Division.

85. During the reporting period, multiple accounts of deaths occurring in Syrian National Army detention, primarily in detention centres in Rai and Zira, Bab District, were gathered. While, according to relatives, bodies were returned to their families, there is no indication that any investigation has been initiated by the Syrian National Army into such deaths. Relatives reported traces of ill-treatment on the body of one of the deceased.

86. Information gathered regarding the fate of people who went missing in 2018 and 2019⁶⁴ confirmed practices tantamount to enforced disappearance. Many civilians were held incommunicado for long periods, and some remain missing at the time of writing. In some instances, relatives learned that their loved one had recently died in detention, while others learned the whereabouts of missing persons, including through social media, and managed to secure their release after paying bribes.

87. In a welcome development, the Syrian National Army provided information on four cases where its members had been internally prosecuted for torture, ill-treatment and kidnapping perpetrated between 2019 and 2021. The Commission does not yet have details of the proceedings.

88. The Commission has reasonable grounds to believe that individual Syrian National Army factions, including the Sultan Murad Division and the Hamza Division, have

⁶² A/HRC/48/70, para. 79.

⁶³ Ibid., para. 90.

⁶⁴ See A/HRC/46/55, para. 96; and A/HRC/45/31, para. 55.

unlawfully deprived persons of their liberty, including within the context of reprisals for personal or property disputes. Syrian National Army elements may have committed torture, cruel treatment and outrages upon personal dignity, including through forms of sexual violence, which constitute war crimes. Furthermore, Syrian National Army factions continue to be responsible for practices tantamount to enforced disappearance (see also para. 93 below).

C. Measures affecting property rights

89. Properties, including homes, schools, shops and factories, in Afrin city continued to be occupied by Syrian National Army factions, particularly affecting displaced owners. While patterns of looting, pillage, occupation and confiscation of property, including through “taxes”,⁶⁵ continued, particularly during the olive harvest season, it is encouraging that new reports of restitution and compensation for previously occupied properties have also started to emerge.

90. A number of owners living abroad or who are internally displaced faced administrative challenges in managing their properties and have had their crops taken and sold although they had provided the necessary power of attorney for the management of their properties. During the period under review, the harvest from thousands of olive trees was taken – sometimes under the guise of “taxes” – by armed groups, who no longer recognized formal or informal powers of attorney that had allowed absent landowners to maintain their property. Between July and November 2021, in Ma’batli and Bulbul, Aleppo Governorate, armed groups, the Levant Front and the Sultan Murad Division, respectively, sold the rights to harvest olive crops to third parties, despite the objections of the absent owners.

91. Some owners reported having addressed complaints to the recently established joint committee for the restoration of rights in Afrin (also referred to as the grievances committee) to retrieve their properties. Others engaged directly with Syrian National Army factions to retrieve their confiscated property, through the payment of bribes, citing fear of reprisals by Syrian National Army factions as the reason for their reluctance to resort to available formal mechanisms. The Commission gathered several reports of retaliatory acts by individual Syrian National Army members against owners who had lodged complaints for property restitution or compensation, including verbal threats, beatings and abduction; in one case, a farmer was killed after he had managed to get his property back from armed factions in Afrin subdistrict.

92. Confiscation of private property by parties to the conflict, in particular when generating personal gain, such as through the sale of crops or the right to harvest crops or the imposition of “taxes”, may amount to pillage, which is a war crime.

93. In relation to the findings of violations committed by Syrian National Army members (paras. 88 and 91 above), in areas under effective Turkish control, Turkey has a responsibility to, as far as possible, ensure public order and safety, and to afford special protection to women and children. Turkey remains bound by applicable human rights obligations vis-à-vis all individuals present in such territories. Where Turkish forces fail to intervene to stop such violations when made aware of them, they may violate the above-mentioned obligations.⁶⁶

VI. North-east Syrian Arab Republic

94. Life in the north-east of the country remained insecure.⁶⁷ People living along the front lines between the Operation Peace Spring area, in the parts of Hasakah and Raqqah Governorates that are controlled by the Syrian Democratic Forces, and in the northern part

⁶⁵ A/HRC/39/65, paras. 28–30; A/HRC/40/70, para. 67; A/HRC/42/51, para. 62; A/HRC/43/57, paras. 41–42 and 56–57; and A/HRC/45/31, paras. 46–50 and 63–64.

⁶⁶ A/HRC/46/55, para. 94; and A/HRC/45/31, paras. 67–68.

⁶⁷ A total of 245 civilians were killed, and at least 181 injured, in incidents including shelling, armed clashes, shootings, targeted killings, improvised explosive devices or explosive remnants of war verified by the Office of the United Nations High Commissioner for Human Rights in 2021.

of Aleppo (see annex II), were regularly caught in hostilities, and feared further escalations, including following announcements by Turkey in October 2021.

95. The situation was also volatile further south, particularly in Dayr al-Zawr Governorate, with continuous Da'esh attacks and counter-terrorism operations in response. Across the north-east, people opposing the ruling self-administration⁶⁸ also lived in fear of being arbitrarily detained if they openly voiced their opinions. Abject living conditions, along with health hazards due to the pollution created by oil refineries in Dayr al-Zawr and Hasakah, were also documented. Violence levels also remained high in displacement-turned-detention camps, such as the Hawl and Rawj camps, in which nearly 60,000 people, primarily women and children,⁶⁹ have been held for almost three years.

A. Civilians killed in front-line areas and through drone strikes

96. Fighting continued in and around the cities of Ayn Isa, Raqqah Governorate, and Tall Tamr, Hasakah Governorate, leading to deaths, injuries and ongoing displacement among civilians living close to the front lines inside territory controlled by the Syrian Democratic Forces.

97. At dawn on 4 August, a house in Safawiyah village, near the front line close to Ayn Isa, was partially destroyed in an attack likely occurring within the context of exchanges of fire within the area. A family of four, including three children, were killed. On 17 August after sundown, artillery shelling on the village of Abu Rasayn, close to Tall Tamr and located on the front line, killed one woman in her home, and injured at least 10 other civilians. Residential houses, as well as a school, were destroyed and displacement ensued. In August and September, other villages were shelled, and further civilians displaced, in the Hasakah countryside.

98. Remnants of Da'esh cells have remained active in the north-east of the country, and have continued to carry out attacks. The most recent was an attack on Al-Sina'a prison in Ghuwayran (para. 108 below) on 20 January 2022.⁷⁰ The coalition and the Syrian Democratic Forces carried out frequent counter-terrorism operations, mainly in Dayr al-Zawr Governorate, but at times also in Hasakah and Raqqah Governorates. Reportedly, several such incidents led to casualties, and investigations are ongoing.

99. The Commission received reports of multiple drone strikes suspected to have been carried out by Turkey, consistent with Turkish authorities' acknowledged targeting of "terrorists" in the Syrian Arab Republic.⁷¹ The Commission further documented two suspected targeted drone strikes on towns within areas controlled by the Syrian Democratic Forces that are very close to the border with Turkey. Individuals linked to the Kurdish authorities were apparently targeted.

100. The first attack targeted a non-military vehicle parked in front of the Social Justice Council in Ayn al-Arab, northern Aleppo Governorate, on 20 October. Two individuals, including the driver of the car, were killed, and at least three others were reportedly injured. One of the injured – who believes that he may have been the target of the attack – was the co-chair of the Social Justice Council. On 9 November, also in the afternoon, a second attack hit a vehicle in Qamishli city, Hasakah Governorate, killing three men as they were reportedly driving back home from a funeral, all relatives of the Defence Committee Chief in Jazira. The eldest victim was 82 years old and was known to have been a member of the National Liberation Front of Kurdistan.

⁶⁸ A/HRC/45/31, para. 12.

⁶⁹ S/2021/890, para. 8.

⁷⁰ See

https://reliefweb.int/sites/reliefweb.int/files/resources/OCHA%20Syria%20Qamishli%20Flash%20Update%2001_FINAL.pdf.

⁷¹ See <https://www.msb.gov.tr/SlaytHaber/30112021-40321> (in Turkish).

101. In both cases, it appears the vehicles were deliberately targeted, and that the most likely sources of the missiles used were Turkish drones. Turkish authorities have not acknowledged involvement in these two cases. Investigations are ongoing.

B. Arbitrary deprivation of liberty

Arbitrary detention and intimidation of individuals affiliated to opposing Kurdish political parties and journalists

102. The Syrian Democratic Forces continued to arbitrarily detain individuals belonging to, or perceived to be affiliated with, political parties opposing the Democratic Union Party or the self-administration, against the backdrop of continuing intra-Kurdish tensions. Detainees included opposition members, civil society activists and media workers.⁷²

103. In an emblematic case, a member of the Democratic Union Party-opposing Kurdistan Democratic Party, which is part of the Kurdish National Council, was arrested in May 2021 by the Asayish at his home in Hasakah city, allegedly in order to testify in a corruption case. On 28 June 2021, his brother was called to the military hospital in Hasakah, where the detainee had just died, reportedly from a stroke. When his body was returned to his family, it bore clear signs of torture, including traces of beating and burns.

104. On 17 July, four members of the Kurdistan Democratic Party, including two journalists, were arrested by masked individuals in different towns and held incommunicado. Three of them, including one of the journalists, were reportedly released in November.

105. Impediments to free speech and harassment against media, including the arrest of journalists, continued. On 16 June, a prominent journalist was arrested in Raqqah. Shortly after, on 20 June, the Kurdistan 24 television channel was shut down. On 24 September, protesters gathered in front of the United Nations premises in Qamishli to demonstrate against the arbitrary arrests of civilians and members of the Kurdish National Council. The protesters and journalists covering the demonstration were beaten by members of the Kurdish revolutionary youth movement. Four days later, the Rudaw offices were set on fire. On 7 December, journalists, including Rudaw staff members, were briefly arrested as they were covering a demonstration against child recruitment.

106. There are reasonable grounds to believe that the Syrian Democratic Forces have continued to unlawfully deprive opposition members, civil society activists and media workers of their liberty. In one case (para. 103 above), the Syrian Democratic Forces may have committed the war crime of cruel treatment and ill-treatment of a detainee in their custody that led to his death.

Recruitment of children

107. Following its commitment to stop child recruitment, the Syrian Democratic Forces decreased this practice.⁷³ The Commission documented the cases of three girls and one boy, all aged 15, who were abducted in November by the Kurdish revolutionary youth movement in Amuda and Qamishli, in order to be forcibly recruited. The father of an underage girl recruited by the same group in 2020 was summoned by the Syrian Democratic Forces intelligence branch in Darbasiyah, Hasakah Governorate, on 30 September, as his daughter had reportedly escaped. He was held in solitary confinement for five days, subjected to psychological pressure, and accused of having organized his daughter's flight. In line with its commitment signed with the United Nations, the Syrian Democratic Forces should ensure that the recruitment of children is effectively prohibited across the area it controls.⁷⁴

⁷² See also A/HRC/46/55, para. 50.

⁷³ S/2021/398, para. 10; A/75/873-S/2021/437 and <https://childrenandarmedconflict.un.org/2019/07/syrian-democratic-forces-sign-action-plan-to-end-and-prevent-the-recruitment-and-use-of-children/>.

⁷⁴ A/HRC/43/CRP.6, para. 92; A/HRC/43/57, para. 102.

Detention and internment of individuals, including children, with alleged links to Da'esh

108. More than 10,000 suspected former Da'esh fighters and other individuals allegedly affiliated with the group⁷⁵ remained detained in the north-east, often incommunicado. Foreign detainees, most of whom are Iraqis, remain without legal recourse, since the self-administration courts only try Syrian Da'esh detainees.⁷⁶ Disturbingly, some 800 boys are held in these detention centres, many of them alongside radicalized adults, including 650 boys detained in the overcrowded prison in Ghuwayran, Hasakah Governorate, where health conditions are alarming. The Commission received reports of the upcoming transfer of some 200 boys currently held in Al-Sina'a prison in Ghuwayran to the Orkesh "rehabilitation centre" in Hasakah currently under construction.

109. Nearly 60,000 individuals, including nearly 40,000 children, remain unlawfully interned in the Hawl and Rawj camps.⁷⁷ The living conditions within the camps remained deplorable,⁷⁸ amid limited access to health care, leading to suffering and preventable deaths among children and women.

110. Radicalization and insecurity prevailed within certain sections of Hawl camp, with 91 murders and 41 attempted murders reported in the camp since the beginning of 2021. Stigmatization and threats from residents adhering to Da'esh ideology and from camp management were also reported. In November, two girls and two women were killed, and two other children injured, after being hit by water trucks. Other children drowned in sewage pits or were burned when their tents caught fire because of the gas heaters used in the winter.

111. Some 1,300 Syrians from the north-east were released from Hawl camp during the reporting period. However, those from other areas of the Syrian Arab Republic remained stuck. Small numbers of Iraqis and other foreigners were also released and sent home during the period (see annex V). However, despite recent limited instances of repatriation of foreign children, a number of States remain reluctant to bring home their adult nationals from the camps, citing, notably, security risks, the assumption that justice would be best served if individuals were tried in situ in the Syrian Arab Republic where witnesses and evidence can be found, and the fact that most adults voluntarily went to the Syrian Arab Republic to join Da'esh, often in breach of national laws. These concerns cannot justify maintaining the status quo.

112. Depriving individuals, including children, with alleged links to Da'esh (para. 108 above) of liberty without criminal charge or any individual assessment by an impartial and independent body as to whether their internment is justified on grounds of imperative reasons of security is unlawful.⁷⁹ Among those individuals are many foreigners who could be repatriated and could stand trial before their own national courts. The conditions in which they are held raise concerns about the violation of one of the most basic premises of international humanitarian law: the obligation to treat humanely all individuals who do not – or no longer – take part in hostilities.

113. As the Commission has stated since 2018, the blanket internment of nearly 60,000 individuals in Hawl and Rawj camps (paras. 109–110 above) cannot be justified and amounts to unlawful deprivation of liberty and, for the nearly 40,000 children among them, to deprivation of the range of child rights.⁸⁰ The Commission also has reasonable grounds to believe that the conditions in Hawl camp in particular may amount to cruel or inhuman treatment.⁸¹

⁷⁵ A/HRC/48/70, paras. 108–109.

⁷⁶ A/HRC/45/31, para. 77; and A/HRC/48/70 para. 109.

⁷⁷ Of whom 56,381, including 36,016 children, were held in Hawl. See also A/HRC/46/55, para. 96.

⁷⁸ A/HRC/48/70, paras. 110–112.

⁷⁹ A/HRC/46/55, para. 95.

⁸⁰ A/HRC/37/72, para. 59, and annex III, paras. 15–17; and A/HRC/46/55, para. 96.

⁸¹ A/HRC/48/70, paras. 116–117.

VII. Recommendations

114. The Commission reiterates its previous recommendations and, in particular, calls upon all parties to:

(a) Cease all indiscriminate attacks and direct attacks on civilians and civilian objects; take all feasible precautions to minimize harm to the civilian population; 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 and to ensure non-repetition; and make their findings public;

(b) Cease torture and other cruel, inhuman or degrading treatment or punishment, including sexual and gender-based violence, in places of detention; cease all forms of incommunicado detention and release those arbitrarily detained; ensure unimpeded access for independent monitors to all places of detention;

(c) Take all feasible measures, in line with Security Council resolution 2474 (2019), to locate all those detained and/or disappeared, establish their fate and ensure communication with their families;

(d) Pursue a long-lasting, nationwide ceasefire, in line with Security Council resolution 2254 (2015).

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

(a) Facilitate the creation of an independent mechanism with an international mandate to coordinate and consolidate claims regarding missing persons, including persons subjected to enforced disappearance;

(b) Repatriate their nationals held in the north-east of the Syrian Arab Republic for alleged association with Da'esh, in particular children with their mothers, in accordance with the best interests of the child, and also in light of the dire camp conditions. Repatriations may not happen where individuals risk arbitrary detention or physical harm, including the death penalty;

(c) Ensure that any returns of Syrian refugees are voluntary, safe and without risk of physical harm or violations of their fundamental human rights;

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

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

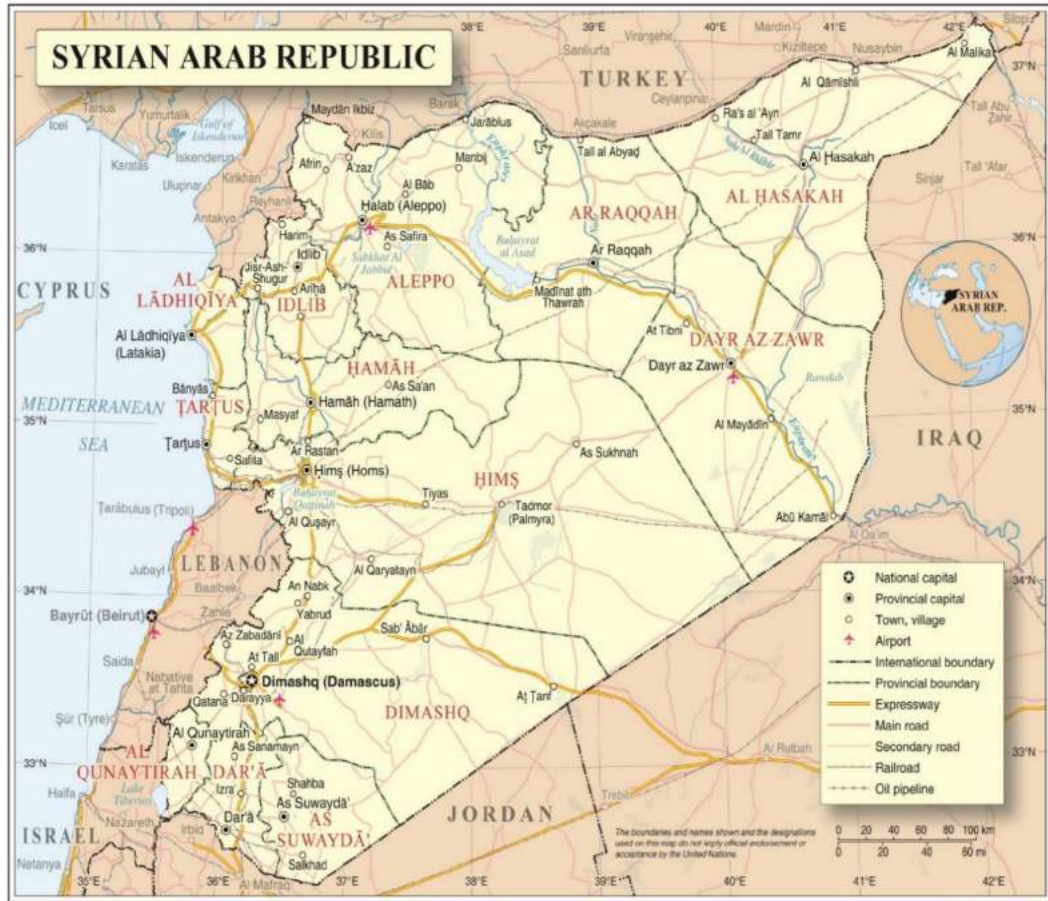
116. The Commission calls on coalition States active in the Syrian Arab Republic to:

(a) Review official protocols on targeting and their implementation, ensuring that officials tasked with targeting have a basic understanding of the local cultural context to ensure that civilian casualties are avoided;

(b) Strengthen the processes of investigation into civilian casualties, including by ensuring that staff conducting such investigations are trained and resourced, have access to all relevant records, are functionally independent of the chain of command responsible for targeting decisions and are able to interview witnesses, and make the findings of such investigations public.

Annex I

Map of the Syrian Arab Republic¹

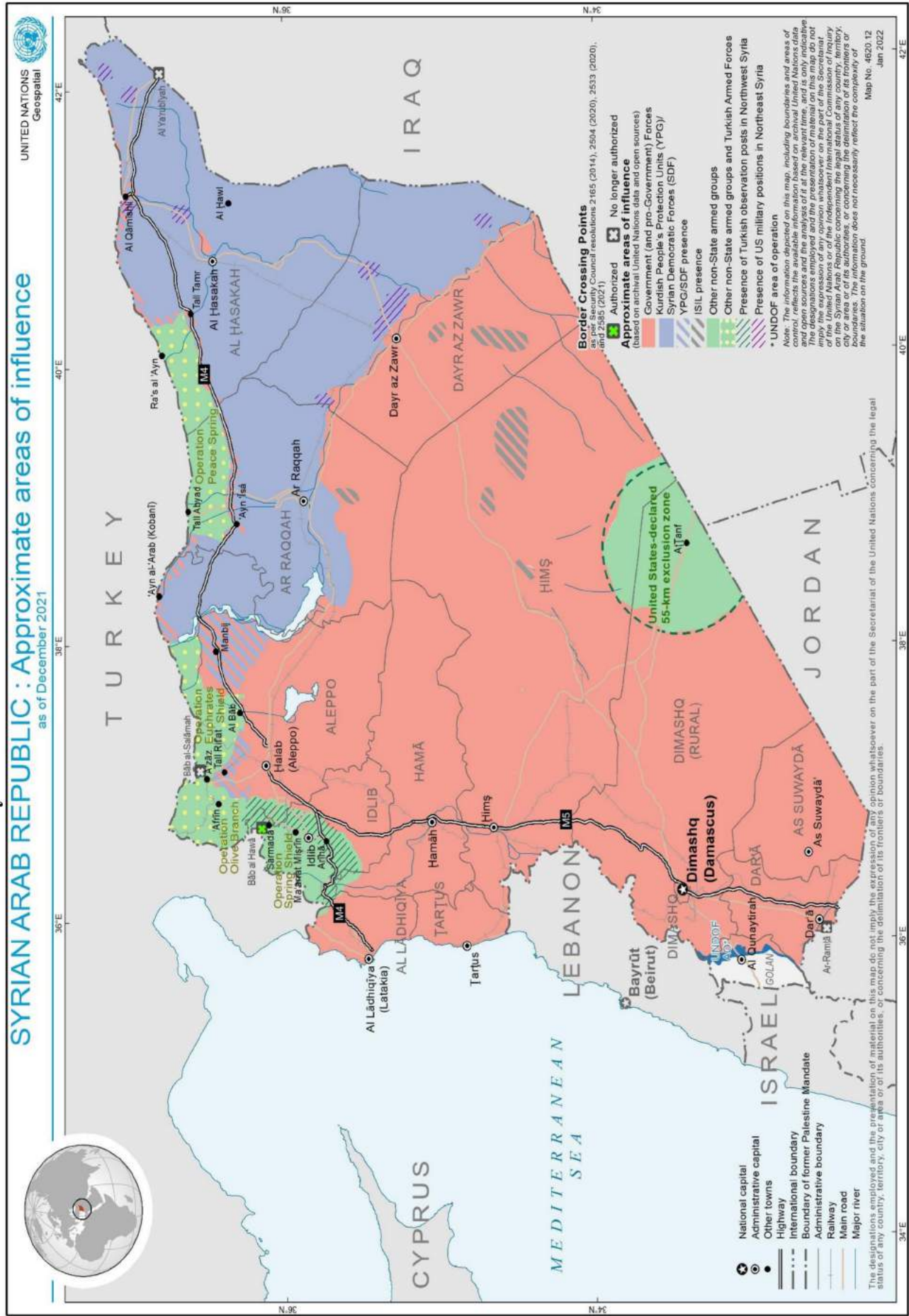


Map No. 4204 Rev. 3 UNITED NATIONS
April 2012

Department of Field Support
Cartographic Section

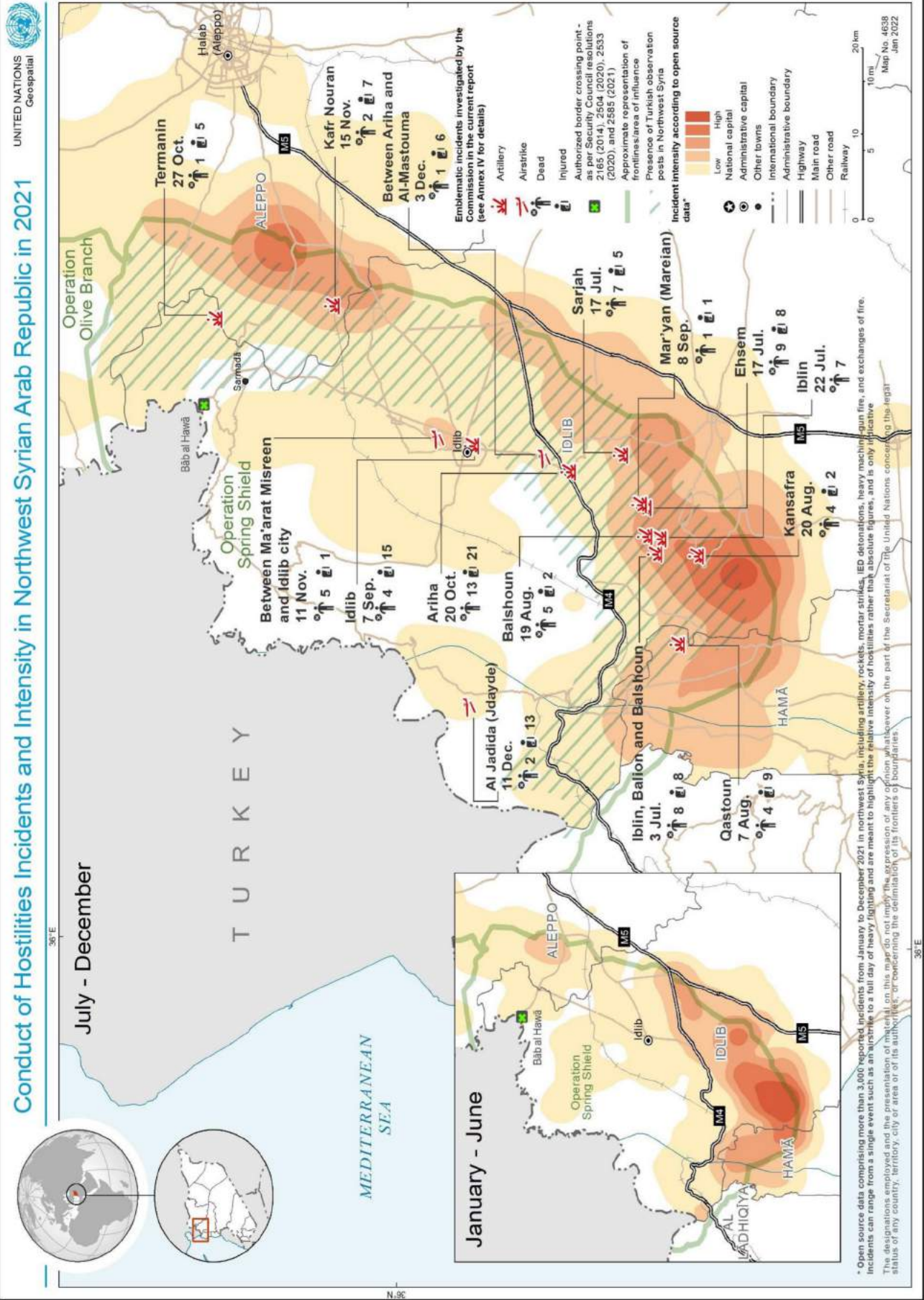
¹ The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.

Annex II: Estimated areas of influence – January 2022¹



¹ The representation of approximate areas of influence is limited to data relevant for the human rights situation in the Syrian Arab Republic and in relation to the mandate and findings of the Commission of Inquiry on the Syrian Arab Republic.

Annex III: Northwest Syria – violent incidents July-December 2021¹



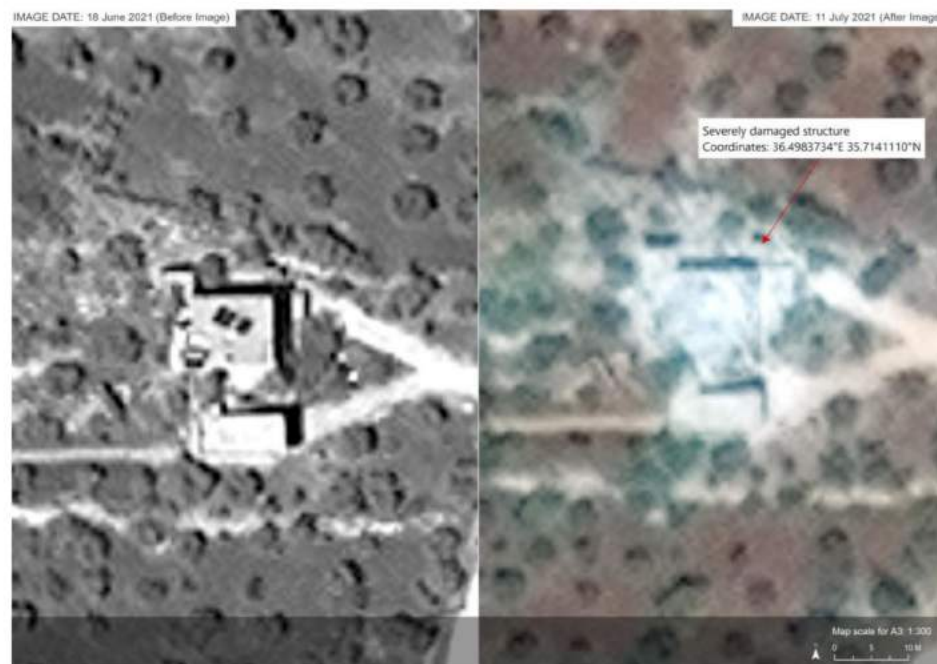
1. The representation of approximate areas of influence is limited to data relevant for the human rights situation in the Syrian Arab Republic and in relation to the mandate and findings of the Commission of Inquiry on the Syrian Arab Republic.

Annex IV

Details of emblematic civilian casualty incidents in northwest Syria investigated during the reporting period

1. Iblin, Balion and Balshoun (Idlib governorate), 3 July 2021

On 3 July 2021, between approximately 05:30 and 07:00 hours, artillery shelling impacted three houses in the villages of Iblin, Balion and Balshoun (Balshun) in the Jabal al Zawiya area, Idlib governorate killing eight people, including six children and one woman, injuring eight, including four children and three women. The villages are each located within approximately 3 kilometres of each other. In Iblin village, a munition exploded on the upper floor of a house, killing a father and three of his children. A second munition impacted some minutes later, exploding on the ground floor, killing the mother of the children and injuring another woman and two more children. In Balion another munition impacted the home of a civil defence member, killing his two daughters and lightly injuring their mother. A second munition hit as first responders were attempting to reach the two girls. In Balshoun, one munition struck the second floor of a farmer's home near the center of the village, killing a boy, and injuring his two sisters, father and mother. The mother, who was nine months pregnant at the time of the attack, lost her unborn daughter. In each case, the houses were rendered uninhabitable. Witnesses and survivors reported no military objectives or bases in the villages, with the closest military bases between two and eight kilometres away from the impacted locations. Observer information and witnesses reported the presence of drones during the attack, and photographs of remnants consistent with a Krasnopol-type weapon were observed. Analysis of the incident indicates that the strikes likely originated from the area around Ma'arrat al Numan, under control of pro-government forces at the time of the incidents, although witnesses indicated varying possible firing points in Government controlled territory.



18 June 2021 © Maxar 2021 Analysis: UNOSAT
Iblin village incident

11 July 2021 © Maxar 2021 Analysis: UNOSAT

2. Sarjah (Idlib governorate), 17 July 2021

On 17 July, in Sarjah village, Idlib governorate, between approximately 08:30 and 09:00 hours, artillery shells impacted three houses, two of which were empty, while in the third house four girls were killed. First responders arrived and removed the bodies of two of the girls from the location. The home belonged to a local family. After the first strike, the father returned from work, and his mother, the grandmother of the girls, also came to check on the family. The father informed first responders that his four daughters should have been in the house. Approximately 30 minutes after the first shells hit, a second shell impacted some 10 meters away from the house, killing the grandmother. Between 10:10 and 10:15 hours, when a group of first responders and local civilians approached the house again in order to remove the remaining bodies, a third strike impacted nearby, killing one of the first responders (as he was filming the scene), one of the local civilian men, and injuring five others, including two first responders and three local men. After the third attack, first responders did not return and a local man reported that neighbours dug through the rubble to locate the remaining bodies. Witnesses indicated that there was no military target or installation in the area. Observer information and witnesses reported the presence of drones during the attacks, while observers additionally reported the presence of Russian fixed-wing aircraft in the area as well. Photographs of remnants consistent with the guidance system of a Krasnopol-type weapon were observed. Analysis of the incident indicates that the strikes likely originated from the area around Ma'arrat al Numan, under control of pro-government forces at the time of the incidents.



14 July 2021 © Maxar 2021 Analysis: UNOSAT
Sarjah village incident

27 July 2021 © Maxar 2021 Analysis: UNOSAT

3. Ehsem (Idlib governorate), 17 July 2021

On 17 July 2021, in Ehsem (Ihsim) village, Idlib governorate, at approximately 23:00 hours, at least one munition impacted a civilian home where 17 people had gathered to celebrate a recent wedding, killing nine, including six girls and three women, including the bride, and injuring eight others, including three children, the groom and at least one woman and one elderly man. The six girls who were killed included four sisters between one and seven years of age, and their two cousins. Family members of victims reported that no military presence in the village or in the area at the time. They also stated that the area is under regular drone surveillance, surmising that whoever targeted the house either knew it was a family gathering or at least had observed more people than usual visiting the home after the wedding.

Witnesses and observatories report the presence of drones in the area at the time of the attack. Other munitions were reported to have impacted other parts of Ehshem village around the same time but did not cause any other casualties. Witnesses alleged that the attack originated from an area in Kafr Nabl under the control of pro-government forces.

4. Iblin (Idlib governorate), 22 July 2021

On 22 July, in Iblin village, Jabal al Zawiya area, Idlib governorate, between approximately 05:30 and 06:00 hours, a munition impacted a house where a family of ten lived, killing three girls and one boy. Between 10 and 30 minutes later, as neighbours and surviving family attempted to reach those still in the rubble, a second munition impacted, killing the mother and her brother-in-law and father-in-law. Four other children in the family were injured, including two girls who survived and were extracted from the rubble over the course of the following two hours. The father, a baker, had already left for work when the incident occurred. Witnesses reported the presence of drones in the area at the time of the attacks. Interviewees also noted that while there may be a small number of fighters in the village, none were associated with this family or this location. Images of remnants are consistent with Krasnopol-type weapons. Witnesses alleged that the attack originated from an area in Kafr Nabl under the control of pro-government forces.



14 July 2021 © Maxar 2021 Analysis: UNOSAT
Iblin village incident

15 September 2021 © Maxar 2021 Analysis: UNOSAT

5. Qastoun (Hama governorate), 7 August 2021

On 7 August 2021, in Qastoun village, Hama Countryside, at approximately 23:00 hours three to four shells impacted, including one that hit a house, killing four children, and injuring nine others (eight children and one woman), all members of the same family. The family's home was partially demolished and the family is currently living in an internally displaced persons (IDP) camp. The family had previously been displaced and had returned three months prior to the attack to work the land following the establishment of Turkish observation posts nearby, which the head of household thought would provide protection. One of the four shells also impacted another area of the family farm, killing a number of cows. The remaining munitions impacted an empty home (the family had already been displaced) and an empty field. The father of the children, a farmer, and his second wife, were drinking tea on a veranda

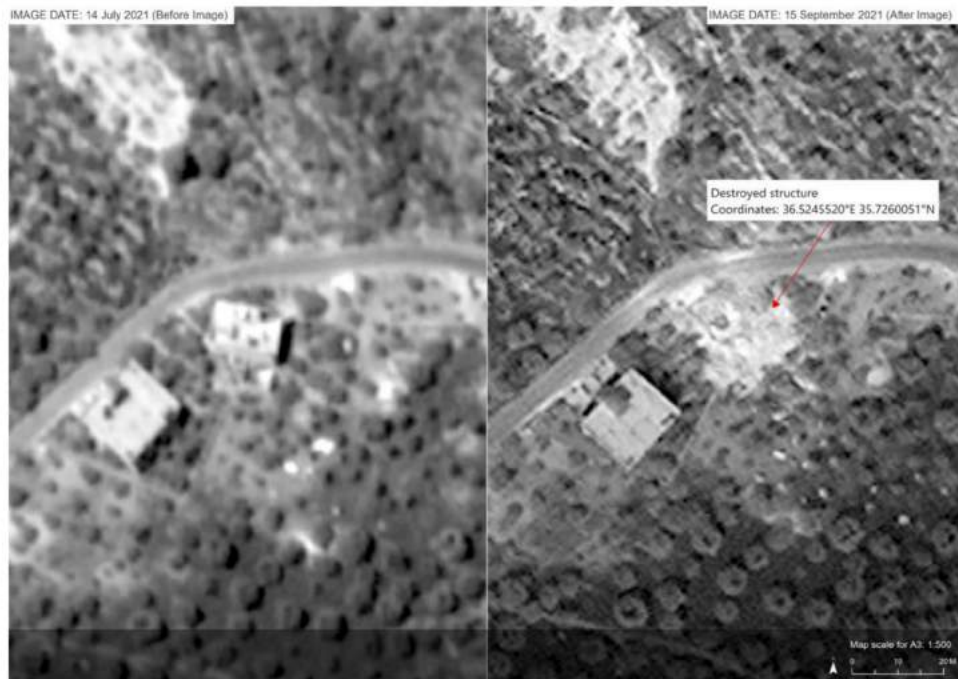
and were not injured. The father remarked that he did not hear the munition prior to its impact. While one interviewee alleged the use of guided munitions in this incident, initial analysis indicates unguided artillery or rockets were more likely used. Witnesses stated that the attack originated in Jurin, Hama countryside under control of pro-government forces.

6. Balshoun (Idlib governorate), 19 August 2021

On 19 August, in Balshoun (Balshun), Idlib governorate, between approximately 05:00 and 06:00 hours, four to five munitions impacted three houses in separate locations in the western and central parts of the village, killing five people (four boys between 11 and 15 years of age and one woman) and injuring another 5-year-old boy and a young man. The first two munitions, reportedly separated by 4-5 minutes, impacted a house on the western outskirts of the village, killing three children and their mother. Approximately 20 minutes later, two to three other munitions impacted, with at least one striking the second house in the centre of Balshoun village, next to a mosque, killing one boy, and injuring another child and a young man. Two women and one man at the second house escaped without injuries. The family in the third house reportedly fled to a shelter in the village and escaped unharmed. Interviewees noted that there were no apparent military targets or positions in or near the village, although sometimes Turkish patrols use the road next to the first house impacted. Some interviewees alleged that the father in the family in the first house hit worked for Hay'at Tahrir al-Sham digging tunnels and building barriers. The father of the family at the second home is a farmer according to local sources. Witnesses and observatories report the presence of drones in the area at the time of the attack. All interviewees reported reconnaissance aircraft flying overhead during the shelling and rescue operations. Interviewees claimed that the attack originated from Kafr Nubl, Bsalka near Kafr Nubl, Al-Hamidiya base near the M5 and Maarat al Numan or possibly from another base called Wadi Al Deif.

7. Kansafra (Idlib governorate), 20 August 2021

On 20 August 2021, in Kansafra (Kansafrah) village (Jabal al Zaweya area), Idlib governorate, in the early morning between approximately 05:00 and 06:30 hours, at least three munitions impacted at least three houses, killing four children between the ages of 5 and 12 (two girls and two boys) and injuring two men. The children were all killed in the same house, reportedly struck by the third munition, while the two men were injured in each of the two other houses. The mother of the four children reportedly took her infant child to a shelter and returned for the other children when the third munition struck. Both survived. Interviewees noted that the munitions impacted a few minutes apart, with one claiming that the entire event unfolded over 30 minutes. The father had already left the house to tend to the livestock prior to the incident. The family had reportedly moved elsewhere for 20 days fearing attacks in the area and had moved back just two days prior to the event. According to two interviewees, other shelling incidents were taking place in or near Kansafra throughout the day without civilian casualties. Observers reported the presence of drones in the area at the time of the incident and remnants of Krasnopol-type guidance systems were observed following the attack. Sources note that a Turkish military observation post is located approximately one kilometre from the house where the four children were killed on a hill called Tal Badran. Reportedly, it was not affected. Sources alleged that the attack was launched from Maarat al Numan or Kafr Nubl areas, Hamidiyah base or Wadi Al Deif basem all areas under the control of pro-government forces.



14 July 2021 © Maxar 2021 Analysis: UNOSAT
Kansafra incident, first house

15 September 2021 © Maxar 2021 Analysis: UNOSAT

8. Idlib city (Idlib governorate), 7 September 2021

A least five artillery strikes impacted parts of Idlib city and its suburbs in the evening of 7 September. The attack killed four persons, including a woman and a child, and left at least 15 injured. A young woman who had just graduated from college was killed in Idlib city while, a 4-year-old boy and his father, a university professor, were killed on the outskirts of the city. While the munitions that impacted the city appear to have been unguided artillery, the strike on the professor's home was precise (impacting the house and a car next to it), indicating that the attackers may have utilised a mix of guided and unguided munitions. Information available to the Commission suggests the munitions that impacted the city were unguided artillery fired from the southwest.



20 August 2021 © Maxar 2021 Analysis: UNOSAT

19 September 2021 © Maxar 2021 Analysis: UNOSAT

Home of university professor, outskirts of Idlib city

9. Mar'yan (Idlib governorate), 8 September 2021

On 8 September 2021, at approximately 05:40 hours, in Idlib Governorate, Mar'yan village, at least one munition hit the small medical clinic in the village that also featured a residential home on the upper floor, killing a 51-year-old woman and severely injuring her 8-year-old son. The woman and her son were evacuated from the apartment and taken to Idlib city, where the woman died of her injuries. The father, who owns the building and was the acting head of the medical point had left to pray when the attack occurred. Approximately 15 minutes after the first strike, a second munition reportedly struck the building, causing further damage though no further injuries. The medical staff sleeping in the Mar'yan Medical Point apparently avoided injury during the first attack and assisted the victims. By the time of the second attack, no one was left inside the structures. The residence and the medical point were severely damaged and the medical point was rendered inoperable. Relatives of the family stated that the family had only recently returned to Mar'yan after being displaced to Idlib, and that they were gathering belongings and intended to leave the area again. Observers reported the presence of drones at the time of the incident. Prior to the attack, multiple sources indicated that the medical point served 100–170 people per day of all ages, and was the primary facility for at least 22 villages in the surrounding area. It was reportedly the last remaining medical point in the Jabal Al-Zawya area. The basic details of this incident are consistent with a pattern of targeting medical facilities, in particular with double-tap attacks.

10. Ariha (Idlib governorate), 20 October 2021

On 20 October 2021, between 08:00 and 08:15 hours, in Ariha town, Idlib Governorate, at least ten munitions impacted an area of approximately 900 square meters in central Ariha town, killing at least 13 people, including four children and one female teacher, and injured at least 21 others, including children and women. The attack caused material damage to at least two schools as well as residential and commercial buildings. Interviewees indicated no presence of military installations or targets in the impacted area. Victims and witnesses reported that the attacks occurred in a residential/commercial area at a time when children normally went to school and residents to work. One drone was observed in the area before and during the incident. Preliminary analysis of available imagery suggests that at least some

of the munitions were fired in a high arc trajectory, likely from the south/southwest, suggesting that those munitions were likely artillery shells launched from Kafr Roma and Kafr Nabl areas, west of Maarat al Numan. Interviewees suggested that the attack originated from a Government military base south of Saraqeb, much farther to the east. All three areas are currently under the control of pro-Government forces. Despite interviewees' claim that the attack used Krasnopol laser-guided munitions and reported the presence of a drone, at present the available information suggests the use of unguided ground to ground artillery, possibly 130mm or 122mm towed field guns, both of which are reportedly part of the Syrian Arab Army's inventory. The incident was widely reported in media at the time with commentators suggesting that the attack was retaliation for an explosion targeting a bus in Damascus (see para. 21 of the report). Ariha town, situated on the M4 highway, has been subject to similar documented incidents in the past.¹ The basic elements of this attack appear consistent with patterns of Government and pro-Government attacks on markets and civilians-populated areas with unguided high-explosive weapons when such areas are likely to be crowded with civilians.

11. Termanin (Idlib governorate), 27 October 2021

On 27 October 2021, near Termanin (Turmanin) village, Idlib governorate, between approximately 14:30 and 15:00 hours, three munitions impacted the area of the "Sham Al-Kheir" or "Doumani" IDP camp, to the west of Termanin village, with one impacting IDP camp itself, killing an 11-year-old boy and injuring four children, including the boy's sister, and one woman. The boy who was killed and his sister who was severely injured had reportedly returned from school and were eating lunch when the attack occurred. The shell that impacted the camp also caused severe structural damage. The camp reportedly housed between 800 and 1,000 persons, primarily widows and children. There are no known military positions or targets located near the camp. A Turkish military position is located south of the village and the first of the three munitions impacted in the vicinity of that position without causing harm. According to the same source, the distance between the Turkish position and the IDP camp is approximately four kilometres. The second munition impacted approximately 50 meters from the camp, while the third munition caused all the recorded casualties. Remnants observed at the site indicate the use of unguided GRAD rockets. At least three were fired successively, with each impacting closer to the camp until the last one struck it, suggesting that the camp itself was the intended target, which is also consistent with previous patterns. Sources also claimed that the shells came from a government controlled area 15–20 kilometers away called Besratoun near Atarib in Aleppo governorate.

12. Between Ma'arat Misreen and Idlib city (Idlib Governorate), 11 November 2021

On 11 November 2021, between Ma'arat Misreen (Ma'arratmisrin) and Idlib city, Idlib Governorate, between approximately 10:00 and 11:00 hours, up to three airstrikes impacted a residential home and poultry farm buildings, killing five (three children between 8 months and 7 years of age, as well as the parents of the youngest two children) and injuring at least one man (the father of the 7 year old). The attack caused the destruction of the house and significant damage to the other structures on the property. Interviewees noted that there were no military installations or targets in the area and that the location had been a chicken farm for years, although chicken farming had ceased a few months prior as the families instead attended to the agriculture. The house had hosted two families of IDPs from rural Aleppo, headed by two brothers who had been hired by the owners of the land to cultivate. The family of the brother who survived was elsewhere conducting chores elsewhere on the property and were unharmed, with the exception of the 7-year-old boy who was killed and his father who was injured. Witnesses and victims reported no military objective in the area. Interviewees

¹ See e.g. A/HRC/44/61, section V.

and observers reported the presence of a Russian fixed wing aircraft in the area at the time of the attack that had departed Hmemim Airbase 26 minutes prior.



2 November 2021 © Maxar 2021 Analysis: UNOSAT 12 November 2021 © Maxar 2021 Analysis: UNOSAT
Poultry farm between Ma'arat Misreen and Idlib city

13. Kafr Nouran (Aleppo governorate), 15 November 2021

On 15 November 2021, in Kafr Nouran village, south of Atarib, Aleppo governorate, at approximately 09:00 hours, two munitions impacted a house, killing one woman and one boy, and injuring four other children and three civilian men. The village is located a few kilometers from the front lines with pro-Government forces and according to interviewees is under SNA control. The attack rendered the home uninhabitable and also damaged agricultural equipment. Victims interviewed alleged the use of Krasnopol munitions, but as of this writing there is no information available concerning the presence of drones or the availability of remnants to substantiate this allegation. One victim reported that the attack originated from Jendraya village to the south, which is under pro-government forces control.

14. Road between Ariha and Al-Mastouma (Idlib governorate), 3 December 2021

On 3 December, between Ariha and Al-Mastouma (Mastuma), Idlib governorate, between 09:30 and 10:00 hours, a publicly acknowledged United States airstrike on an alleged Al Qaida member killed the intended person and injured six civilians, including two girls and two boys between the ages of 10 and 15, traveling on the same road as their car overtook the targeted person's motorcycle. The family had gone to visit relatives and was returning home when the incident occurred. One of the children was filming the scenery along the road for an older sibling who was recently married and could not join the trip, capturing the moment when they overtook the motorcyclist and the strike occurred. In a Press briefing, the United States Department of Defense Press Secretary stated that the strike was launched from an MQ-9 unmanned aircraft and that it targeted and killed Musab Kinan, an alleged senior leader

of Hurras al-Din, an Al-Qaida affiliated group. The United States has indicated that the incident is under investigation internally to determine whether civilian casualties occurred.²

15. Al Jadida (Idlib governorate), 11 December 2021

On 11 December, near Al Jadida town, at approximately 12:50 hours, a publicly acknowledged Russian Federation airstrike targeted the home of an alleged leader of Jund al-Sham, a Chechen group affiliated to Hurras Al-Din. The strike reportedly killed at least two people, including a child, and injured nine other children and four women. One of those killed may have been a fighter, as apparent militants expressed condolences for the loss of a fighter. Despite the assertion by the Russian Special Envoy of the President for Syria, Alexander Lavrentyev, during a 22 December press conference that the strike killed Al-Shishani Margoshvili, local sources indicate that the targeted person may have survived.³ The Commission is not aware of any statements concerning investigations by the Russian Federation into the reports of civilian casualties associated with the incident.

² <https://www.defense.gov/News/Transcripts/Transcript/Article/2863617/pentagon-press-secretary-john-f-kirby-holds-an-on-camera-press-briefing/>.

³ <https://ria.ru/20211222/boevik-1764921824.html>;
https://tass.ru/politika/13272779?utm_source=yxnews&utm_medium=desktop.

Annex V

Table of repatriations of foreign children and women

Repatriation of foreign children and women from SDF-run camps in North-eastern Syria (as of December 2021)¹

<i>Countries and areas</i>	<i>Repatriated Children (range)^a</i>	<i>Countries and areas</i>	<i>Repatriated Women (range)^a</i>
Kazakhstan, Uzbekistan ^d	201–500	N/A	201–500
Russian Federation ^d	101–200	Kazakhstan, Uzbekistan	101–200
Kosovo ²	51–100	N/A	51–100
France, Germany	26–50	N/A	26–50
Albania, Belgium, Denmark, Finland ^d , Sweden	16–25	N/A	16–25
Australia, Bosnia and Herzegovina, , North Macedonia, Norway, Sudan ^d , United Kingdom of Great Britain and Northern Ireland, United States of America ^d , Ukraine ^d ,	6–15	Belgium, Germany, Russian Federation, Sweden	6–15
Austria, Canada, Italy, Netherlands, Nigeria, Trinidad and Tobago, South Africa, Switzerland, State of Palestine	1–5	Afghanistan, Albania, Denmark, Finland ^d , Netherlands, North Macedonia, Norway, Sudan, United States of America, Ukraine	1–5
Indonesia, Morocco ^e , Tajikistan	TBD ^b	Morocco ^e	TBD ^b
Afghanistan, Algeria ^f , Azerbaijan, Bangladesh, China, Egypt ^f , Estonia ^f , Georgia, India, Iran, Kyrgyzstan, Lebanon, Libya, Malaysia, Maldives, , Pakistan, Philippines, Poland, Portugal, Romania ^f , Saudi Arabia ^f , Senegal, Serbia, Somalia, Tunisia, Turkey, Viet Nam ^f , Yemen	None ^c	Algeria ^f , Australia, Austria, Azerbaijan, Bangladesh, Bosnia and Herzegovina, Canada, China, Egypt ^f , Estonia ^f , France, Georgia, India, Indonesia, Iran, Italy, Kyrgyzstan, Lebanon, Libya, Malaysia, Maldives, Nigeria, Pakistan, Philippines, Poland, Portugal, Romania ^f , Saudi Arabia ^f , Senegal, Serbia, Somalia, South Africa, Switzerland, Tajikistan, Trinidad and Tobago, Tunisia, Turkey, United Kingdom of Great Britain and Northern Ireland, Viet Nam ^f , Yemen, State of Palestine, Kosovo	None ^c

^a Figures are based on information submitted by States in response to communications by United Nations Special Procedures (<https://spcommreports.ohchr.org/Tmsearch/TMDocuments>), submissions to the Commission (see footnote 4), and a compilation of open source data by the United Nations (until 31 December 2021).

^b Repatriations have reportedly occurred, without indication of the number of individuals.

^c The countries listed here are those for which the Commission received information that citizens were held and for whom there is no indication of any repatriation.

^d Based on an average value due to differing information between sources.

^e Eight individuals were reportedly repatriated, without specification as to the number of children and women.

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

¹ This table does not reflect the repatriation of Iraqi nationals, who form the largest group of foreigners in North-eastern Syria.

² References to Kosovo shall be understood to be in the context of Security Council resolution 1244 (1999).

Annex VI

Correspondence with the Government of the Syrian Arab Republic

UNITED NATIONS



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Independent International Commission of Inquiry on the Syrian Arab Republic

PALAIS DES NATIONS • 1211 GENEVA 10, SWITZERLAND
 • WEB : www.ohchr.org/coisyrva • TEL: +41-22-9179542 • FAX: +41-22-9179007 • E-MAIL: coisyrva@ohchr.org

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REFERENCE: COISYRIA/42/2021

The Secretariat of the United Nations Independent International Commission of Inquiry on the Syrian Arab Republic presents its compliments to the Permanent Mission of the Syrian Arab Republic to the United Nations Office at Geneva and specialized institutions, and has the honour to refer to Human Rights Council resolutions S-17/1 establishing the Commission and 46/22, extending its mandate until 31 March 2022.

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

At present, the Commission seeks information on human rights violations and abuses in light of its upcoming mandated report to the Human Rights Council session in March 2022, which will cover events between 1 July 2021 and 31 December 2021.

In this regard, the Commission 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, Damascus, Dar'a, Idlib, Hama, Homs, Quneitra and Aleppo Governorates during this time period.

Furthermore, the Commission would welcome information concerning attacks and shelling by armed groups and other armed actors entailing civilian casualties (in addition to the information provided on the aforementioned incidents). The Commission has taken note of the information regarding civilians killed and injured provided in the identical letters from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council dated 11 May 2021 and 9 June 2021, and would much appreciate further details on the related specific incidents.

Moreover, with respect to human rights related to housing, land and property, the Commission kindly seeks information regarding agricultural land auctions in Hama and Deir-Eiz-Zor.

According to information received, on 12 July 2021, following an announcement by the governor of Hama, auctions took place of private pistachio tree land in the governorate of Hama. Auctions were also announced to be held in Latmin, Latamena, al-Qism al-Haraji, al-Hamra; in Taybeh al-Imam, Maardes, Kawakab, Maan, Qasr al-Mukharam, Kafir Zeita, al-Hamamiyat on July 13, 2021, and Murik and Lahaya on July 14, 2021. According to the announcement, any person wishing to bid for the auctioned land was obliged to pay a deposit of 70,000 SYP. Preliminary information indicated that the auctioned lands are the property of displaced owners who were not informed and did not approve the auctioning of their land.

Further, in November and December 2021, at least 15 auctions were reportedly announced in several Hama localities - such as Murawid, an a-Kafat (25 november 2021) - by the farming associations of the concerned villages.

Meanwhile in Deir-Eiz-Zor, on 28 August 2021, the governor of Aleppo Fadil Najjar officially announced the auction of "abandoned and vacant land" in Deir-Eiz-Zor governorate. The auctions were announced to be held between 7 and 17 September 2021 and organized by committees created by decision 5129 of 12 July 2021. Preliminary information indicate that lands belonging to

owners - who were displaced and therefore not present in Deir-Eiz-Zor – were being auctioned without their approval.

Lastly, information available to the Commission indicates that in July 2021, in Hama and Deir-ez-Zour governorates, official committees created by order of the governor, for example order (4/10)2/7/3980 of 19/06/2021 in Mahrada district, were allegedly tasked with listing names of owners of “vacant” land as well as their surface and estimated production, across the two governorates. According to the information received, owners defined as “not present”, “outside the country”, “armed man” or located “in Idlib countryside” would not be able to intercede to prevent their land from being confiscated.

The Commission would much appreciate further clarification and information regarding the above-mentioned auctions, as well as the role of the subcommittees that were created in July 2021. In particular the Commission would welcome information regarding any efforts to contact, inform or permit the original landowners to have a role in these proceedings.

Furthermore, with respect the situation in Yarmouk Camp, the Commission has received information regarding announcements indicating that displaced families from Yarmouk Camp would be allowed to return to the camp in autumn 2021, on certain conditions. The Commission would be interested in knowing the detailed process by which candidates to return can obtain the necessary approval, as well as the documents recognized by the competent authorities as sufficient to prove ownership. The Commission would also be interested in knowing if the ability to return will be extended to the displaced who have not managed to complete the removal of their property rubbles by 5 October 2021, and for those whose property does not meet sufficient construction safety conditions.

In addition, regarding the situation in Dar'a Governorate, the Commission received information that since 24 August 2021, 79 persons have reportedly been transported from Dar'a Al-Balad on buses by pro-government forces through the crossing point of Abu Zindeen, a major crossing point located at the front line in the northern Aleppo province. Among them were civilians, including women, elderly and children. Detailed information regarding the decision or agreement to transfer the individuals concerned would be much appreciated.

The Commission would also appreciate information regarding the 21 October 2021 statement by the Ministry of Justice on the alleged sentencing to death by the counter-terrorism court on 20 October 2021 of 24 people under terrorism laws following their alleged involvement in wildfires in north-west Syria in 2020. In addition, 11 individuals were allegedly sentenced to indefinite forced labour, and four individuals (including five adolescents) to forced labour for between 10 and 12 years. In particular, the Commission would welcome information on the identity of those convicted, information about how or where they were executed and information on steps taken to ensure full access to defence counsel for the accused during the alleged trials.

Lastly, the Commission kindly reiterates its request for information on measures to prevent or investigate any known alleged detention related violations and abuses as well as practical steps taken to increase human rights protections for current or former detainees and their families. For this purpose, please see the attached standard questionnaire (which the Commission previously shared in its note verbale numbered COISYRIA/32/2020 of 16 October 2020).

In order for the information to be received and processed ahead of its next reporting obligations, the Commission would kindly request that any inputs be received by 3 January 2022. We remain ready to discuss the most appropriate means by which to obtain the above information, including through meetings or briefings.

The Commission also takes this opportunity to reiterate its request for access to the territory of the Syrian Arab Republic to fulfil its mandate, including to facilitate dialogue in relation to

requests such as contained in the present communication. The Commission further seeks to engage your Government on modalities for access to areas of the Syrian Arab Republic currently outside of Government control. For any questions regarding the details of this request or opportunities to collaborate, please contact the Secretariat, at ohchr-coisyrria@ohchr.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, 30 November 2021



L.A.

Permanent Mission of the Syrian Arab Republic
to the United Nations Office at Geneva and specialized institutions

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 2022

The Commission requests information on the following incidents for its upcoming mandated report to the Human Rights Council session in March 2022:

Incidents allegedly occurring in Idlib and Hama Governorates:

- On 3 July 2021, in Baloyun, Balshoun and Iblin villages, Idlib governorate, artillery shelling allegedly led to the death of nine civilians: five individuals from the same family, including three children in Iblin, two children in Balioun and two girls in Balshoun. The use of guided munitions, possibly Krasnopol or equivalent weapon systems, is alleged in this incident.
- On 17 July 2021, in Sarja village, Idlib governorate, an alleged ground-based attack impacted a house killing six civilians, including three children and injuring six others.
- On 17 July 2021, in in Eshem village, Idlib governorate, alleged artillery shelling impacted a house killing at least eight civilians, including three girls, one boy and four women. Nine other civilians were wounded, including one elderly man. The use of guided munitions, possibly Krasnopol or equivalent weapon systems, is alleged in this incident.
- On 22 July 2021, in Iblin, Idlib governorate, alleged artillery shelling led to the death of at least seven civilians from one family, including four children. The use of guided munitions, possibly Krasnopol or equivalent weapon systems, is alleged in this incident.
- On 7 August 2021, in Qastoun town, Hama governorate, alleged artillery shelling led to the death of four children and wounded five others from the same family.
- On 19 August 2021, in Balshoun, Idlib governorate, alleged artillery shelling impacted three houses leading to the death of four children and a woman, and injuring two children. The use of guided munitions, possibly Krasnopol or equivalent weapon systems, is alleged in this incident.
- On 20 August 2021, in Kansafra, Idlib governorate, alleged artillery shelling led to the death of four siblings and injured two others civilians. The use of guided munitions, possibly Krasnopol or equivalent weapon systems, is also alleged in this incident.
- On 2 September 2021, in Furaykah village, Idlib governorate, a ground-based attack allegedly killed a girl.
- On 7 September 2021, in Idlib town, Idlib governorate, alleged artillery shelling led to the death of four civilians and injured 15 others. The same day, in Maarat Misrin town, alleged airstrike led to the injury of four children and two women.
- On 8 September 2021, in Mar'yan (Mareian) village, Idlib governorate, alleged artillery shelling led to the death of a woman and seriously wounded her child. The use of guided munitions, possibly Krasnopol or equivalent weapon systems, is alleged in this incident.
- On 19 September 2021, in Al-Kafir village, Idlib governorate, alleged artillery shelling led to the death of a child and injured a woman.
- On 1 October 2021, in Batitiyah village, Idlib governorate, artillery shelling allegedly impacted the area near an informal IDP leading to the death of a woman, injured a child and another woman.

- On 20 October 2021, in Ariha town, Idlib governorate, an alleged ground-based attack led to the death of 13 civilians and at least 19 wounded. The attack also reportedly impacted main roads, a school and market area.
- On 27 October 2021, in Termanin town, Idlib governorate, alleged artillery shelling impacted an IDP camp leading to the death of one child and injured 5 others: 4 children and a woman.
- On 11 November 2021, in Maarat Misreen, Idlib governorate, alleged airstrikes impacted a house and a poultry farms leading to the death of five civilians, including three children and injured eight others most of them from the same family.

Incidents allegedly occurring in Aleppo Governorate:

- On 11 October 2021, in Afrin town, Aleppo governorate, at around mid-day, a vehicle exploded near Al Hall market, near Kawa Roundabout. It reportedly caused the death of more than five civilians as well as members of the Military Police in Afrin. At least 22 were injured.
- On 11 October 2021, in Al Dabas village (south of Jarablus), Aleppo governorate, as result of a shelling attack on a civilian house, one man and one woman were killed and other six were injured. Information obtained by the Commission suggests that the attack came from areas under the control of the "Syrian Democratic Forces" (SDF).
- On 15 November 2021, in Kafr Nawan, western Aleppo, alleged artillery shelling impacted a house leading to the death of a woman and her child. Five other family members were injured: the victim's four children and her husband.
- On 19 November 19, 2021, in Afrin town, Aleppo governorate, in the evening, several shells struck the town, resulting in at least three civilians deaths and dozens of injuries. Civilian infrastructure was also damaged. Information obtained by the Commission suggests that the attack came from areas under the control of the "Syrian Democratic Forces" (SDF) and the Government of Syria forces.

Incidents allegedly occurring in Dar'a, Quneitra, Homs and Damascus Governorates:

- On 24 June 2021, in Dar'a Al-Balad, south of Dar'a City, all but one crossing point into the area were allegedly closed by pro-government forces, restricting freedom of movement and severely hindering access to essential items and services, in connection with a process in which the surrendering of weapons by number of individuals was demanded. Allegedly, on 27 July, an offensive ensued, entailing shelling and the closing of all crossing points. During the subsequent two months encirclement of Dar'a Al-Balad, pro-government forces shelling of the area and other restive towns resulted in multiple civilian casualties and injuries, widespread destruction of civilian buildings and infrastructure, and causing mass displacement. Targets hit included the Al-Mansour Mosque in Hay Al-Bhar as well as the only remaining health clinic operating in the encircled area since 24 June 2021. While one civilian passage was intermittently open for pedestrians, forces positioned there reportedly demanding large sums of money to let civilians through. Moreover, private properties were allegedly looted by forces, who were also stationed in immediate proximity of civilian objects.
- On 7 July 2021, al-Motaya village was allegedly raided by members of the Fifth Division, who allegedly destroyed property and set a number of civilian houses on fire. At least 36 men were detained and held in Busra al-Sham. While some were later released, at least one was brought to a hospital in Dar'a where he later died, allegedly as a result of torture.

- On 29 July 2021, pro-government forces allegedly carried out a ground attack on residential areas in Jasim town (western Dar'a), killing one 16-year-old boy, and leading to at least one injury.
- On 29 July 2021, a minor died as a result of an attack by unknown perpetrators in Dar'a Al-Mahatta.
- On 29 July 2021, at around 1:30 pm., pro-government forces allegedly carried out an attack that struck one house in al-Hay al-Awsat neighbourhood in Yadoudah town, killing three children and injuring one woman, as well as two other children, including one boy (brother of the three children killed).
- On 29 July 2021, the Dar'a National Hospital was subjected to shelling, with Government forces and armed groups accusing each other for having carried out the attack.
- In the morning of on the 26 August 2021, pro-government forces allegedly shelled a residence in Tafas, Dara governorate, killing one woman.
- On 29 of August 2021, alleged shelling in the areas of Dar'a Al-Balad and Masakeen Jileen resulted in the death of two civilian men and one woman respectively.
- On 24 August a civilian man was shot around al-Saraya checkpoint in Dar'a al-Balad.
- On 16 October 2021, in Ain El Timneh village, Quneitra governorate, former Member in the Syrian Parliament Mr. Medhat Saleh, originally from the village of Madelshams, was allegedly shot and killed by sniper fire in front of his house. No other casualties were reported.
- On 20 October 2021, between 6:30a.m and 7:00a.m in Jisr Al-Rais area, central Damascus, at least 14 individuals were killed when a Military Institution for Housing minivan was allegedly struck by an improvised exploding device in central Damascus.
- On 24 November 2021, on the Tripoli road west of Homs city, Homs governorate, two civilians were killed and six members of the Syrian armed forces injured in an alleged air strike near a fuel station.

For each of the incidents above, the Commission requests the following information, while cognizant that the information requested may relate to sensitive security and military information:

- Acknowledgment of involvement in any of the above incidents, and in relation to those, detailed information on precautionary measures aimed at ensuring that military sensitive areas are located far away from residential and civilian areas and other measures taken to avoid or minimize civilian harm in each operation.
- Any available overflight and/or operational strike records for the dates and locations of each incident.
- Satellite, surveillance or other imagery for each target and for both pre- and post-operations review and analysis.
- Information on internal investigations, reviews, or other process evaluating the compliance of each incident with international humanitarian law and your forces' applicable rules of engagement, and if so, whether any such reviews resulted in disciplinary or criminal proceedings against particular individuals or revisions or amendments to rules of engagement or other internal procedures to increase civilian protection.

UNITED NATIONS



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PALAIS DES NATIONS • 1211 GENEVA 10, SWITZERLAND

• WEB : www.ohchr.org/coisvria • TEL: +1-22-9179542 • FAX: +41-22-9179007 • E-MAIL: coisvria@ohchr.org

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REFERENCE: COISYRIA/39/2020

**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 Inquiry¹, other UN human rights mechanisms or other relevant bodies since March 2011.

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