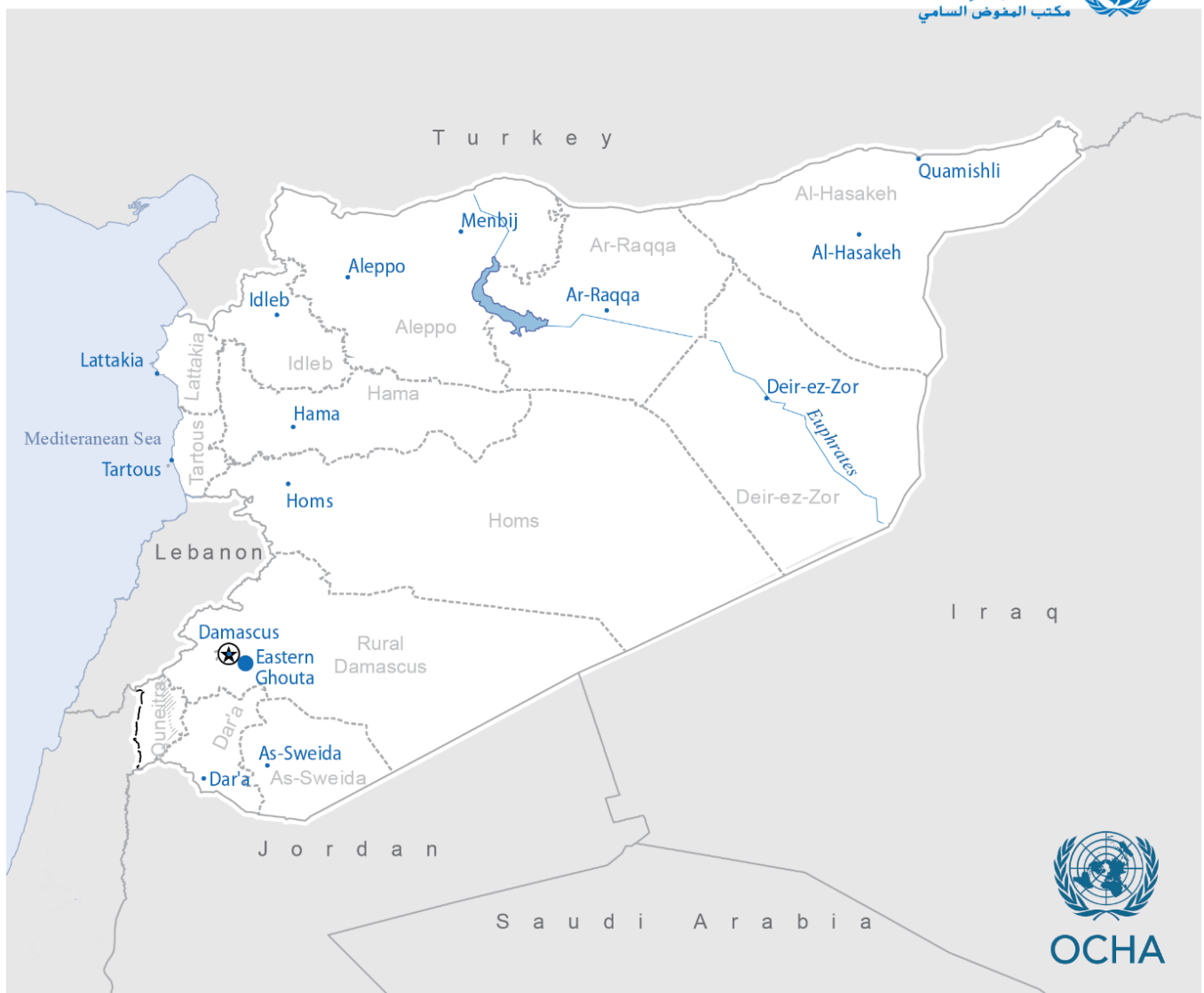


MONTHLY HUMAN RIGHTS DIGEST

SYRIA | July 2017

- OHCHR continues to receive reports of the alleged targeting of persons believed to be affiliated with enemy parties to the conflict in contravention of international law. Such reports include the alleged killing of both civilians as well as *hors de combat* fighters. International humanitarian law places an obligation on parties to the conflict treating humanely persons who are taking no active part in the hostilities, including fighters who have laid down their arms and those placed *hors de combat*, without any adverse distinction.



This Monthly Human Rights Digest on Syria has been prepared by the Office of the United Nations High Commissioner for Human Rights based on information collected by the Office along with contributions from other agencies. It is intended to serve as an overview of some current and possible future human rights concerns in Syria, as well as provide humanitarians with a brief outline of relevant international human rights and humanitarian law provisions relating to the alleged violations. The Digest does not seek to highlight all human rights violations and abuses committed in Syria during the last month, nor list all documented cases of a particular type. Rather, OHCHR focuses every month on a few key areas which are of particular concern as the situation develops, based on data which has been analysed and cross-checked. Only information which is deemed credible is included. Separately, OHCHR provides input on past developments for the monthly report of the Secretary-General to the Security Council. OHCHR would like to thank OCHA for its support with the graphics and map compilation for the Digest.

While airstrikes and ground-based strikes have decreased in some parts of Syria, high levels of violence continue elsewhere, and OHCHR has documented ongoing alleged violations of international humanitarian law and violations and abuses of international human rights law. The situation of civilians in ISIL-held areas remains of particular concern, with violations allegedly perpetrated against civilians and *hors de combat* fighters by parties to the conflict, including the Syrian Democratic Forces (SDF), taking place against a background of inflammatory statements such as the 11 July remark by the commander of Operation Inherent Resolve that:

Now, Raqqa is likewise isolated. When we started the assault on the 5th of June, we did not have a complete physical isolation on the ground. But we did have the Euphrates River there that cut off the city to the south. All the bridges are down. All the dams are held by our Syrian partners. And every time we found a boat, we sunk it.

Similarly, increased infighting between Hay'at Tahrir Al-Sham and Ahrar Al-Sham in Idlib - which has been accompanied by increased reporting of civilian casualties - and ongoing clashes between pro-Government forces and armed opposition groups in eastern Ghouta despite a shaky ceasefire raises grave concerns as previously highlighted with regards to the effects such fighting is having on the local civilian population.

Decreased strikes in some parts of Syria due to ceasefire agreements, including the de-escalation areas, has been accompanied by increasing calls to facilitate the return of refugees and IDPs. OHCHR is assessing the conditions faced by those returning to their homes throughout the country. It is essential that returns do not violate the international legal

principle of *non-refoulement*, which prohibits states from returning a refugee against his/her will, in any manner whatsoever, to a territory where she/he fears threats to life or freedom.

TARGETING OF THOSE PERCEIVED TO BE AFFILIATED WITH ENEMY PARTIES

OHCHR has repeatedly raised concerns about the alleged targeting of civilians or persons placed *hors de combat* for their perceived or actual affiliation with a party to the conflict: killings by pro-Government forces of civilians believed to be affiliated with armed opposition groups in eastern Aleppo shortly after its takeover; deprivations of liberty of persons affiliated with opposing armed opposition groups in eastern Ghouta; civilians being subjected to abduction, ill-treatment, and sometimes murder by ISIL fighters for perceived affiliation with or support for particular parties to the conflict; and the murder of armed opposition fighters by the ISIL-affiliated Jaish Khalid Bin Walid armed opposition group. The UN-led MRM has reported that many cases of child abduction it has documented take place in the context of the suspected affiliation of family members with opposing parties to the conflict.

There is particular concern regarding the treatment of civilians and *hors de combat* fighters who are living or fleeing areas formerly under ISIL control.

Killing an enemy fighter who has surrendered or otherwise laid down his/her arms is a war crime.

This is in part due to the general agreement of all parties that ISIL has perpetrated mass violations of international humanitarian and human right law, and the apparent view of some actors that the group's members are not deserving of the protections granted by international law upon their capture or surrender. OHCHR has received increasing reports of retaliatory acts against those believed to have had affiliations with the group. Given the territory controlled by the group as well as its exercising of numerous quasi-state-like functions, many persons not taking an active part in hostilities - such as those performing administrative functions - may be viewed by some as having been part of ISIL and subjected to retaliatory acts.

In one case, OHCHR received reports of SDF fighters murdering a handcuffed man alleged to be affiliated with ISIL. In a video of the alleged incident published on social media on 15 July, an SDF fighter in Ar-Raqqa Governorate is heard saying that this was the fate of every "Daeshy" fighting and killing the YPG, while another said that he had not had his share, before firing again on the individual. The affiliation, if any, of the victim with ISIL is unclear although two other bodies are visible. Reports indicated that these bodies were ISIL *hors de combat* fighters who had been recently murdered.

The Democratic Union Party (*Partiya Yekîtiya Demokrat*, or PYD) informed OHCHR that the SDF Information Centre had condemned the act and denied that the SDF was responsible. They shared a statement from the Centre which noted that an investigation into the incident was underway.

Parties to the conflict are obliged to investigate and if necessary prosecute any member of their forces or persons under the command of their forces for suspected violations of international law.

Recommendations

All actors with influence on those taking part in the fighting are called to urgently exert all available influence on operational forces to:

- Afford civilians not taking an active part in hostilities all the protections granted to them under international humanitarian and human rights law, regardless of any perceived affiliation or sympathy for an enemy party.
- Treat humanely and without distinction any fighters who have laid down their arms and those placed hors de combat by sickness, wounds, detention, or any other cause as required by Common Article 3 to the Geneva Conventions.
- Investigate and if necessary hold to account any fighters believed to have committed violations of international humanitarian law, including the murder of enemy fighters placed *hors de combat*.

For more information on the topics raised or for any further information concerning the human rights situation in Syria, please contact Matthias Behnke, OHCHR Syria Coordinator, at mbehnke@ohchr.org.