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Situaciones de derechos humanos que requieren la atención del Consejo

Informe de la comisión internacional independiente de investigación sobre la República Árabe Siria*

Resumen

En el presente informe, la comisión de investigación refiere las investigaciones realizadas entre el 15 de julio de 2013 y el 20 de enero de 2014. Sus conclusiones se basan en 563 entrevistas y otras pruebas recogidas.

En la República Árabe Siria, más de 250.000 personas están sitiadas y sometidas a incesantes ataques de artillería y bombardeos. Se les niega la ayuda humanitaria, los alimentos y necesidades básicas como la atención médica, y han de escoger entre rendirse y morir de hambre. La estrategia de asedio se aplica en un contexto de atroces violaciones de los derechos humanos y del derecho internacional humanitario. Las partes beligerantes no temen que se les exijan responsabilidades.

La escala y la distribución geográfica de las infracciones cometidas por fuerzas gubernamentales y milicias progubernamentales, así como por grupos armados no estatales, difieren entre unas infracciones y otras.

* Los anexos del presente informe se distribuyen tal como se recibieron, en el idioma en que se presentaron únicamente.



Las fuerzas gubernamentales y las milicias progubernamentales siguen llevando a cabo ataques generalizados contra la población civil, cometiendo de manera sistemática asesinatos, actos de tortura, violaciones y actos de desaparición forzada constitutivos de crímenes de lesa humanidad. Las fuerzas gubernamentales han perpetrado graves violaciones de los derechos humanos y cometido los crímenes de guerra de asesinato, toma de rehenes, tortura, violaciones y violencia sexual, reclutamiento y utilización de niños en las hostilidades y acciones contra civiles en ataques de francotiradores. Han hecho caso omiso de la protección especial otorgada a hospitales, personal médico y humanitario y bienes culturales. Alepo fue sometida a una campaña de bombardeos con barriles explosivos sobre extensas zonas que aterrorizaron a la población civil. Las fuerzas gubernamentales utilizaron armas incendiarias, provocando daños superfluos y sufrimientos innecesarios, en contra del derecho internacional humanitario. Los bombardeos aéreos y ataques de artillería indiscriminados y desproporcionados provocaron desplazamientos arbitrarios en gran escala. Las fuerzas gubernamentales y las milicias afines cometieron matanzas.

Los grupos armados no estatales, que se detallan en el informe, cometieron crímenes de guerra, entre ellos asesinatos, ejecuciones extrajudiciales, torturas, toma de rehenes y vulneraciones del derecho internacional humanitario como desapariciones forzadas, violaciones y actos de violencia sexual, reclutamiento y utilización de niños en las hostilidades, ataques contra bienes protegidos y desplazamiento de civiles por la fuerza. Se dirigieron ataques contra personal médico y religioso y contra periodistas. Grupos armados sitiaron y lanzaron ataques de artillería indiscriminados en barrios civiles, en algunos casos aterrorizando a la población mediante el uso de coches bomba en zonas civiles. En Ar-Raqqah, la detención generalizada de civiles y su tortura sistemática por grupos armados identificados fue constitutiva de crimen de lesa humanidad. Grupos armados no estatales cometieron matanzas.

Se determinó que se habían utilizado armas químicas, en particular sarín, en múltiples incidentes durante el conflicto. En ninguno de los incidentes se cumplió el criterio probatorio de la comisión respecto del autor.

Los Estados que ejercen influencia en las partes en conflicto en la República Árabe Siria deben actuar para asegurar que estas cumplen las normas del derecho internacional humanitario. El Consejo de Seguridad es responsable de permitir que las partes en conflicto infrinjan impunemente esas normas.

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I. Introducción

1. En este informe, presentado de conformidad con la resolución 22/24 del Consejo de Derechos Humanos, la comisión de investigación internacional sobre la República Árabe Siria refiere sus conclusiones sobre las investigaciones realizadas entre el 15 de junio de 2013 y el 20 de enero de 2014¹. El informe debe leerse conjuntamente con los informes anteriores de la comisión².

A. Dificultades

2. Las investigaciones de la comisión siguen viéndose limitadas por la denegación de acceso a la República Árabe Siria.

3. La correspondencia entre la Misión Permanente de la República Árabe Siria y la comisión figura como anexo del presente informe (véase el anexo I).

B. Metodología

4. La metodología utilizada para el presente informe se basa en las prácticas habituales de las comisiones de investigación y de las investigaciones sobre los derechos humanos. La comisión se sirvió fundamentalmente de relatos de primera mano.

5. La información contenida en el presente informe se basa en 563 entrevistas realizadas en la región y desde Ginebra. Desde septiembre de 2011 la comisión ha realizado un total de 2.648 entrevistas. Se han acopiado y analizado fotografías, grabaciones de vídeo, imágenes de satélite y registros médicos. También formaron parte de la investigación informes de gobiernos y fuentes no gubernamentales, análisis de especialistas e informes de las Naciones Unidas.

6. Satisface el criterio probatorio todo incidente corroborado en la medida que permite a la comisión tener motivos razonables para creer que ocurrió en la forma descrita.

II. Dinámica del conflicto

7. El conflicto en la República Árabe Siria ha aumentado en intensidad y en alcance, a medida que las partes beligerantes han redoblado esfuerzos con el fin de reforzar sus posiciones de negociación antes de la conferencia de Ginebra II. A pesar de los avances tácticos intermitentes del Gobierno, la lucha llegó a un punto muerto y provocó importantes pérdidas humanas y materiales para el país y las partes. Particularmente encarnizadas en torno a las principales ciudades y a lo largo de las más importantes líneas de comunicación, las hostilidades recurrieron a tácticas y medios caracterizados por una brutalidad creciente. El Gobierno recurrió ampliamente a la superior potencia bélica de sus fuerzas aéreas y su artillería, al tiempo que los grupos armados no estatales utilizaron cada vez más métodos de guerra asimétrica, como ataques suicidas con bomba y artefactos explosivos improvisados.

¹ La comisión está integrada por Paulo Sérgio Pinheiro (Presidente), Karen Koning AbuZayd, Vitit Muntarbhorn y Carla Del Ponte.

² S-17/2/Add.1, A/HRC/19/69, A/HRC/21/50, A/HRC/22/59, A/HRC/23/58 y A/HRC/24/46.

8. La guerra ha pasado a estar profundamente fragmentada y localizada. Han surgido múltiples frentes en los que intervienen distintas partes con prioridades cambiantes. Dirigidos principalmente a lograr objetivos limitados y a corto plazo, esos enfrentamientos han sido avivados sobre todo por peculiaridades operacionales y socioeconómicas locales, y no por el contexto general del conflicto. Las hostilidades en las provincias nororientales tuvieron lugar entre fuerzas curdas que luchaban contra grupos armados islámicos en un subconflicto bien diferenciado, con sus propios frentes de combate y su dinámica militar interna. En muchos casos, las comunidades de las provincias centrales negociaron cesaciones del fuego localizadas.

9. Los factores externos han tenido cada vez más peso en el curso del conflicto. Al tiempo que abogaban por una solución política, las partes internacionales interesadas siguieron prestando apoyo financiero y logístico a las partes beligerantes con el fin de influir en el resultado del conflicto en el sentido de sus intereses respectivos. Los donantes e intermediarios privados de la región desempeñaron un papel decisivo en el apoyo a ciertos grupos armados o centros de operaciones mediante campañas de recaudación de fondos en las redes sociales. Mientras tanto, miles de combatientes extranjeros se unieron a las hostilidades, a título oficial en apoyo del Gobierno o de forma clandestina en grupos armados, lo que exacerbó la dimensión sectaria del conflicto debido a su composición y su discurso.

10. Las divisiones sectarias se hicieron más pronunciadas y rebasaron las fronteras de la República Árabe Siria, amenazando la seguridad y la estabilidad en los países vecinos. Existe un peligro cierto y sumamente preocupante de que la desestabilización en la región siga aumentando.

A. Fuerzas gubernamentales y milicias progubernamentales

11. Las fuerzas gubernamentales recuperaron varias zonas estratégicas mediante el uso de artillería pesada, la intervención sistemática de fuerzas irregulares y la mayor participación de fuerzas extranjeras. Al tiempo que mantuvieron bajo control la mayoría de los centros urbanos y las principales líneas de comunicación, amenazaron posiciones controladas por la oposición armada en Damasco y Aleppo. Con todo, no han conseguido restablecer un control efectivo de zonas rurales anteriormente ganadas por los grupos armados.

12. Aumentaron los efectivos de las fuerzas irregulares progubernamentales, grupos tanto paramilitares como de milicias, así como su intervención en operaciones de combate directo. Aparte de las Fuerzas de Defensa Nacional, batallones del Partido Baaz, comités populares y grupos *shabbiha* siguieron operando en sus barrios al tiempo que se intensificaba su intervención con carácter regular en apoyo del ejército. El Gobierno también contó con apoyo de unidades de combate extranjeras, entre ellas milicias de Hezbollah y milicias iraquíes, especialmente en operaciones críticas.

13. Como parte de su estrategia encaminada a debilitar a los insurgentes y doblegar la voluntad de su base popular, las fuerzas gubernamentales sitiaron varias localidades, estrategia que reforzaron con prolongadas campañas de fuego de artillería. Los asedios parciales con el objeto de expulsar a los grupos armados se convirtieron en férreos bloqueos que impidieron la entrega de suministros básicos, como alimentos o medicamentos, como parte de una campaña de "hambre hasta la rendición".

B. Grupos armados no estatales

14. A medida que se intensificaba el conflicto, los grupos armados no estatales, que abarcan todos los grupos armados no alineados con el Gobierno, realizaron reajustes

sucesivos y emprendieron luchas intestinas. La fragmentación frustró las iniciativas encaminadas a reunirlos bajo un mando unificado, con una estructura cohesionada y una estrategia clara. Las persistentes diferencias ideológicas, políticas y sociales dieron lugar a posiciones divergentes y en ocasiones antagónicas.

15. La conectividad entre grupos armados mejoró en todo el país, lo que llevó al establecimiento de mecanismos permanentes o temporales de coordinación e integración, incluidas coaliciones y centros de operaciones. Esos reajustes obedecieron a objetivos tácticos comunes, ideologías coincidentes, presión de partidarios externos o simple necesidad operacional. En este contexto, las coaliciones islámicas locales, como el Frente Islámico, han marginado a los grupos no ideológicos y moderados, en parte debido al apoyo financiero selectivo que prestan algunos gobiernos y sus ciudadanos.

16. Para describir este complejo panorama, los grupos armados no estatales pueden clasificarse en cuatro categorías amplias y no excluyentes:

- Nacionalistas sirios moderados organizados en un conglomerado de grupos armados afiliados al Consejo Militar Supremo, que cuenta con respaldo internacional, que luchan contra el Gobierno y abogan por que se constituya un Estado democrático y pluralista. También incluye a grupos islámicos moderados y grupos armados con prioridades de escala local que se limitan a las aspiraciones de sus comunidades.
- Grupos armados islámicos sirios que reúnen a combatientes cuyo objetivo es la caída del Gobierno y que militan por la institución de la *sharia* como marco para un Estado islámico en el país. Esta categoría abarca a combatientes de un amplio espectro ideológico islámico.
- Grupos yihadistas radicales, incluidos los dos principales afiliados de Al-Qaida, Jabhat Al-Nusra y el Estado Islámico del Iraq y Al-Sham (ISIS), que reclutan a combatientes yihadistas salafistas y cuentan con una importante presencia e influencia de combatientes extranjeros. Se ha producido una división entre ambos grupos; el primero siguió luchando junto con otros grupos rebeldes contra las fuerzas gubernamentales, mientras que el ISIS dio prioridad a la consolidación de su control territorial contra toda intrusión.
- Grupos armados curdos, principalmente las Unidades de Protección Popular (YPG), que se han ocupado de proteger y gobernar su territorio, y cuentan con un mando unificado, miembros disciplinados y el apoyo popular. Reforzaron su control de regiones curdas tras luchar contra otros grupos armados, en particular afiliados de Al-Qaida en las provincias de Alepo, Ar-Raqqa y Al Hasakah.

17. El solapamiento de orientaciones ideológicas y aspiraciones políticas, así como la continua migración individual y colectiva entre los tres primeros grupos, hace difícil establecer líneas de separación claras o fijas entre esas categorías. Asegurar los recursos logísticos, en particular la financiación, se ha convertido en el principal factor que orienta la dinámica estructural y de operaciones entre los grupos rebeldes. En muchos casos, adherirse a un grupo armado o una coalición es más una cuestión de supervivencia que de auténtica afinidad ideológica.

18. En este intrincado contexto, se han intensificado las luchas internas entre grupos rebeldes de todas las categorías por el control de territorios y recursos, como carreteras, puestos fronterizos, rutas de contrabando y recursos naturales. Recientemente, las tensiones que desde hace tiempo venían acumulándose entre el ISIS y otros grupos insurgentes, incluido el Frente Islámico, culminaron en violentas hostilidades que se extendieron por las provincias septentrionales y nororientales.

19. Una descripción del actual contexto político y humanitario figura como anexo del presente informe (véase el anexo II).

III. Infracciones relativas al trato otorgado a civiles y a combatientes que han quedado fuera de combate

A. Matanzas y otros tipos de homicidio ilegítimo³

1. Fuerzas gubernamentales y milicias progubernamentales

20. Las fuerzas gubernamentales siguieron matando ilícitamente a todos los que consideraban enemigos potenciales, incluidos civiles y combatientes que habían quedado fuera de combate, lo que contraviene el artículo 3 común de los Convenios de Ginebra. En las zonas rurales de Damasco, las fuerzas gubernamentales estrecharon el asedio sobre las zonas controladas por la oposición, utilizando tácticas cada vez más brutales contra cualquiera que fuera percibido como una amenaza. Las fuerzas sirias que se encontraban al exterior de Muadamiyah y Daraya mataron a personas que atravesaban los puestos de control. Se documentaron matanzas en el puesto de control de la Cuarta División cerca del aeropuerto de Mezzeh, así como en los puestos de control de Summariah y Sahnaya.

21. Los beduinos, en particular las tribus jamlan, harb, abadah y na'im, fueron objeto de ataques por ser considerados partidarios de la oposición armada. El 29 de julio de 2013, 3 varones beduinos fueron detenidos y ejecutados por fuerzas gubernamentales en las cercanías de Bley, un aeropuerto militar al sur de Damasco. Soldados del ejército sirio dispararon contra 2 beduinos desarmados mientras patrullaban Al-Bitariyah el 7 de agosto. A principios de septiembre, 3 varones beduinos murieron por disparos a quemarropa en un puesto de control entre Ghouta oriental y el Aeropuerto Internacional de Damasco.

22. Las fuerzas gubernamentales tomaron como objetivo a personas enfermas y heridas, en particular varones en busca de tratamiento médico, al considerar que sus heridas eran indicio de su participación en las hostilidades. A mediados de septiembre, varias personas que recibían tratamiento por heridas no mortales en el hospital de Mowasat fueron encontradas muertas tras el paso de los soldados por las salas de operaciones en que se encontraban. Un pariente varón que fue testigo de los actos de los soldados fue conminado a identificarse y recibió un disparo cuando se descubrió que tenía lazos familiares con las víctimas. El 24 de octubre, combatientes del Ejército Libre de Siria estaban escoltando a un convoy de civiles y combatientes heridos que salían de Al-Nashabeyah cuando fueron emboscados. Soldados de la 22ª Brigada se acercaron y mataron a los heridos a quemarropa.

23. Durante la campaña para recuperar la provincia de Homs, las fuerzas gubernamentales cometieron homicidios ilícitos. A mediados de julio, los desplazados internos de Homs oriental fueron sistemáticamente detenidos en Al-Furqlus y matados por soldados de la 18ª División. El 21 de julio, las fuerzas gubernamentales, apoyadas por *shabbiha*, entraron en Sukhnah, al este de Homs, y llevaron a cabo batidas de casas en las que mataron a tiros a ocho civiles. En Houlah, durante el Ramadán, las fuerzas realizaron registros de casas y detenciones. Los cadáveres de las personas detenidas en esos registros fueron posteriormente entregados a sus familiares.

24. Las fuerzas gubernamentales siguen controlando la mayor parte de la provincia de Hama. El 7 de agosto, fuerzas gubernamentales, apoyadas por las Fuerzas de Defensa Nacional, dieron muerte a un hombre en el puesto de control cercano a Al-Jadeedah. A

³ Véase también el anexo III.

finales de septiembre, los *shabbiha* allanaron una vivienda en Jalmeh y mataron a un desertor.

2. Grupos armados no estatales

1. Homicidios que equivalen al crimen de guerra de asesinato

25. Dos muchachos de 15 años, secuestrados en las proximidades de Nubul (Alepo) el 26 de junio, fueron ejecutados el 11 de agosto de 2013 en Mayer, al no atenderse las demandas del Emir del ISIS en Tal Rifaat y Azaz. Sus cadáveres estaban mutilados hasta resultar prácticamente irreconocibles. Se publicó en Internet un vídeo de la ejecución. En septiembre, el ISIS atacó el cuartel general y la prisión de la Brigada Tormenta del Norte en Jebel Barsaya y ejecutó a un preso.

26. Grupos armados que operan desde aldeas sunitas próximas secuestran y matan sistemáticamente a agricultores alauitas en el valle de Al-Ghab (Hama). Desde mayo de 2013, varios agricultores han muerto por disparos mientras cultivaban sus campos.

27. Grupos armados no estatales ejecutaron a soldados capturados. Después de tomar el control de un puesto de control militar del Gobierno situado a 2 km de Maaloula (Damasco rural) el 4 de septiembre, combatientes de grupos armados capturaron y ejecutaron a los soldados allí estacionados. El 7 de septiembre, combatientes irrumpieron en una vivienda en la calle Mar Sarkis. Separaron a las mujeres y los ancianos, y a continuación llevaron a la calle a tres varones y les dieron muerte a tiros.

28. Desde julio, Jabhat Al-Nusra, a veces en coordinación con otros grupos armados, realizó una serie de matanzas de civiles curdos en Al-Youssoufiyah, Qamishli y Al-Asadia (Al-Hasakah). Durante una batida realizada por el ISIS, Jabhat Al-Nusra, el Frente Islámico y batallones del Ejército Libre de Siria, combatientes mataron en Al-Asadia a un hombre yazidi curdo que se negaba a convertirse al islam.

2. Homicidios equivalentes al crimen de guerra de ejecución sin el debido proceso

29. Ciertos grupos armados, al establecer el control en zonas de Siria nororiental, llevaron a cabo ejecuciones extrajudiciales públicas sin respetar las garantías de un juicio imparcial, lo que infringe el artículo 3 común de los Convenios de Ginebra. A finales de agosto, la Brigada Tormenta del Norte ejecutó a un hombre no identificado en la plaza pública de Azaz (Alepo).

30. La Unión de Batallones de Ahrar Nawa, afín al Ejército Libre de Siria, entró en Nawa (Dara'a) a mediados de septiembre y capturó a tres soldados gubernamentales. Estos fueron interrogados para determinar si habían participado en el "derramamiento de sangre" y a continuación fueron ejecutados sumariamente.

31. Durante un ataque contra un puesto de control del Gobierno en Jisr Al Shughur (Idlib) el 7 de octubre, la Brigada Al Sai'qa del Ejército Libre de Siria capturó a un soldado. Los combatientes pidieron consejo sobre la ley de la *sharia*. Su contacto les ordenó ejecutar al soldado, afirmando que "los que se rindan después de ser capturados serán ejecutados".

32. En octubre, Ahrar Al-Sham capturó a un presunto conductor de un coche bomba en Binnish (Idlib). El hombre fue interrogado y golpeado para conseguir su confesión, y después fue sumariamente ejecutado tras un juicio celebrado por "jueces de desertores".

33. Jabhat Al-Nusra y el ISIS realizaron ejecuciones públicas en Tal Abyad (Ar-Raqqa) en septiembre. Grupos armados realizaron ejecuciones públicas con el fin de afirmar su presencia tras tomar el control de una zona y para aterrorizar a la población.

B. Detención arbitraria y reclusión ilícita

1. Fuerzas gubernamentales y milicias progubernamentales

34. Las fuerzas gubernamentales practicaron detenciones arbitrarias durante o inmediatamente después de las operaciones sobre el terreno. Entre julio y septiembre de 2013, las fuerzas gubernamentales realizaron una campaña de detenciones en toda la provincia de Homs, en Al-Qaryatayn, Houlah, Karm Al-Zeytun y Dewayer, así como en Sinjar (Idlib) en julio, Al-Jalmeh (Hama) en noviembre y Beit Jin (zona rural de Damasco) y Kafr Shams (Dara'a) en septiembre. Los objetivos principales fueron los varones, adultos y adolescentes, aunque también se detuvo a niños, mujeres y ancianos.

35. Se practicaron detenciones entre los familiares de presuntos miembros de grupos armados, incluso de combatientes muertos, con el fin de obtener información o como venganza. Esto ha propagado el miedo en comunidades enteras. A consecuencia de ello, las familias de Muadamiyah (Damasco rural) han dejado de publicar avisos de defunción.

36. Se practicaron detenciones y reclusiones entre los residentes de zonas controladas por la oposición cuando pasaban por los puestos de control. En julio, se detuvo a una mujer en un puesto de control de Damasco porque en su tarjeta de identidad figuraba la dirección de su anterior residencia, en Dara'a. Esas prácticas han limitado la libertad de circulación de la población civil, en particular de los varones de más de 12 años.

37. Las fuerzas gubernamentales detuvieron a médicos y trabajadores de socorro aduciendo que prestaban asistencia a los "terroristas" en Hama y Damasco. También fueron blanco particular de detención o reclusión en Damasco los defensores de los derechos humanos y activistas, lo que limitó su libertad de expresión y de opinión.

38. Las detenciones se realizaron sin fundamento jurídico, sin justificación o motivo admisible, y se denegó a los detenidos el derecho a que se examinaran los motivos y la legalidad de su detención. Las fuerzas gubernamentales realizaron detenciones arbitrarias y reclusiones ilícitas, lo que infringe la legislación internacional de derechos humanos.

2. Grupos armados no estatales

39. Los grupos armados no estatales practicaron detenciones arbitrarias, incumpliendo las obligaciones que les impone el derecho internacional humanitario. Los grupos armados no respetaron el derecho de los detenidos a un examen inicial y periódico de su detención por una entidad independiente.

40. A finales de julio de 2013, combatientes del ISIS detuvieron a civiles curdos en Tal Abyad (Ar-Raqqa) por motivos étnicos. En agosto, un médico fue detenido por una brigada del Ejército Libre de Siria en la ciudad de Alepo porque había prestado asistencia médica a soldados del Gobierno. En la provincia de Alepo, Jabhat Al-Nusra, Ahrar Al-Sham y el ISIS practicaron detenciones arbitrarias y reclusiones ilícitas. En ocasiones la reclusión se produjo tras un juicio sumario a cargo de mecanismos que no reúnen las condiciones mínimas en lo que se refiere a las debidas garantías procesales.

C. Toma de rehenes

41. Las partes beligerantes practicaron tomas de rehenes, contraviniendo el derecho internacional humanitario y el derecho penal. Se ha producido un aumento del número de incidentes cometidos por grupos armados no estatales, en particular el ISIS.

42. Las partes beligerantes, movidas por el afán de lucro o para intercambiar prisioneros en poder de las fuerzas contrarias, practicaron secuestros. En algunos casos, se trataba de bandas de delincuentes que aprovecharon el conflicto como oportunidad para enriquecerse.

Al hacerse más frecuentes los secuestros, la población civil huyó de sus hogares en busca de seguridad. Algunas familias prohibieron salir de casa a las mujeres y las niñas, limitando su libertad de circulación y su acceso a la educación.

1. Fuerzas gubernamentales y milicias progubernamentales

43. Las fuerzas gubernamentales, las Fuerzas Nacionales de Defensa, los comités populares y grupos de *shabbiha* tomaron rehenes para obtener rescate en las provincias de Latakia y Tartus. Se destaca en este sentido el puesto de control de Al Mashtal en Tartus.

44. En Beit Jin y Saesae (Damasco rural), los servicios de inteligencia sirios capturaron a mujeres y niños en los puestos de control para intercambiarlos por soldados que estaban en poder de los grupos armados.

2. Grupos armados no estatales

45. El 25 de junio de 2013, dos muchachos adolescentes fueron secuestrados a las afueras de Nubul y Zahra, enclaves chiitas en el norte de la provincia de Alepo. Al frustrarse un intercambio de presos, los muchachos fueron ejecutados. Los días 23 y 24 de septiembre, dos convoyes de 60 mujeres y niñas fueron secuestrados por Jamaat Al-Husba al salir de Nubul y Zahra. En Latakia, tras un ataque por grupos armados en aldeas alauitas de la parte oriental, 120 mujeres y niños fueron tomados como rehenes y siguen retenidos, supuestamente por Ahrar Al-Sham.

46. El 21 de julio, durante un ataque del ISIS contra Tal Abyad (Ar-Raqqah), varios cientos de varones curdos fueron tomados como rehenes para realizar un intercambio de presos con un comandante del ISIS que había sido capturado. En julio y agosto, Jabhat Al-Nusra secuestró a civiles curdos para obtener rescate en localidades situadas entre Qamishli y Al-Malikiyah.

D. Desapariciones forzadas

1. Fuerzas gubernamentales y milicias progubernamentales

47. En un documento de conferencia, la comisión examinó el fenómeno de las desapariciones forzadas en la República Árabe en Siria entre marzo de 2011 y noviembre de 2013 (véase el anexo IV). Siguen recibiendo informes de desapariciones. En septiembre de 2013, un hombre de 70 años fue detenido por agentes de la inteligencia en el puesto de control de Nahar Aisha (Damasco). Su paradero sigue siendo desconocido.

48. Las autoridades sirias se niegan sistemáticamente a reconocer las detenciones o a notificar a las familias el paradero o el destino de sus familiares. Esas familias a menudo temen ponerse en contacto con las autoridades. Entre los medios para obtener información figuran los exdetenidos y funcionarios corruptos.

49. Las desapariciones forzadas se cometen como parte de un ataque generalizado contra la población civil y constituyen un crimen de lesa humanidad.

2. Grupos armados no estatales

50. El ISIS está adoptando prácticas que pueden llevar a actos equivalentes a desaparición forzada, lo que incumple sus obligaciones en virtud del derecho internacional humanitario. En agosto de 2013, un activista desapareció en Ar-Raqqah; otro detenido indicó que estaba retenido por el ISIS, que lo negó. El 9 de diciembre, tres activistas fueron capturados en Dumah (Damasco). Actualmente se consideran desaparecidos; su paradero y la identidad de sus captores siguen siendo desconocidos.

E. Tortura y malos tratos

1. Fuerzas gubernamentales y milicias progubernamentales

51. Las fuerzas gubernamentales y milicias progubernamentales siguen cometiendo de manera generalizada actos de tortura y otras formas de malos tratos en los centros de detención, los organismos de inteligencia, los puestos de control en torno a las zonas asediadas, durante las batidas de casas, como medio para extraer información y para castigar y aterrorizar a la población.

52. En los centros de detención oficiales se cometen de ordinario actos de tortura y malos tratos (véase el anexo V), en particular en organismos de inteligencia como la Oficina de Seguridad Política en Alepo, las Oficinas 227 y 215 de la Seguridad Militar, la Oficina de los Servicios de Inteligencia de las Fuerzas Aéreas de Mezzeh, la Oficina de la Policía Militar de Qaboun y la Prisión de Sednaya en Damasco, la Prisión Central de Gharez en Dara'a y la Oficina de Seguridad Militar en Homs. Siguen utilizándose métodos de tortura como graves palizas y golpes en la cabeza y el cuerpo, suspensión prolongada por los brazos y torturas sexuales, como ya ha documentado la comisión anteriormente. Las víctimas mostraban lesiones físicas compatibles con una pauta de torturas.

53. También se informó de manera generalizada de abusos en los puestos de control en torno a las zonas sitiadas, alrededor de Al-Ghouta en septiembre, así como en los puestos de control en torno a Kafr Shams (Dara'a) hasta septiembre. El recurso a la tortura y los malos tratos forma parte de la estrategia de asedio, empleada para contener a la población local.

54. Se propinaron palizas y malos tratos durante batidas de casas en Homs en septiembre y Dara'a en julio y octubre de 2013.

55. Las condiciones de detención se caracterizaron por la privación de alimento, agua, espacio, sueño, higiene y atención médica. Esas condiciones llevaron a la muerte de detenidos. Un interlocutor afirmó que un familiar detenido había solicitado solo una visita cada seis meses, porque después de cada visita era golpeado y su salud se había deteriorado enormemente. Con medios higiénicos insuficientes y sin atención médica, los detenidos a menudo caían enfermos. En julio, un detenido que pedía desesperadamente a los guardias de la prisión que le llevaran al baño fue apaleado hasta la muerte en presencia de otros detenidos. Las condiciones de detención constituyen tratos o penas crueles, inhumanos o degradantes.

56. Las fuerzas gubernamentales y las milicias progubernamentales perpetraron torturas y otras formas de tratos o penas crueles, inhumanos o degradantes como parte de un ataque generalizado contra la población civil, lo que indica la existencia de una política institucional. El recurso generalizado a la tortura denota un ataque sistemático contra la población civil. Las fuerzas y milicias gubernamentales cometieron torturas y otros actos inhumanos constitutivos de crímenes de lesa humanidad y crímenes de guerra.

2. Grupos armados no estatales

57. En las zonas de Alepo controladas por grupos armados no estatales se registraron incidentes de tortura y malos tratos por grupos como el Batallón Saddam Hussein de la Brigada Al-Tawheed, la Brigada Tormenta del Norte y la Coalición de Brigadas de Al-Kifaa'. El Consejo de la Sharia tomó como blanco a la población civil, empleando duras técnicas de interrogatorio y recurriendo a las palizas en situaciones de detención arbitraria.

58. En agosto de 2013 en Damasco, los grupos detuvieron y torturaron a civiles solamente por la religión que profesaban. Los rehenes tomados por grupos armados no estatales informaron de que habían sido sometidos a torturas físicas y psicológicas. En

Idlib, desde julio fueron blanco especial de los grupos armados los periodistas, que han sido detenidos, retenidos y torturados. En Tal Abyad (Ar-Raqqah), a finales de julio, el ISIS y Jabhat-al-Nurra, Ahrar Al-Sham y el Batallón Shahid Walid Al-Sukhni en su cuartel general propinaron palizas y electrocutaron a curdos. Un interlocutor señaló que en Ar-Raqqah, "todos los grupos armados islamistas tienen su propio centro de detención en el que de ordinario se detiene y tortura a civiles". En Damasco en agosto de 2013, en Ar-Raqqah después de julio y en Al-Hasakah se produjeron casos de palizas y tratos brutales y humillantes en puestos de control a cargo de grupos armados.

59. Grupos armados no estatales en toda la República Árabe Siria infligieron graves daños o sufrimientos físicos o mentales a la población civil en las zonas bajo su control, durante las detenciones o las reclusiones. El aumento de esas prácticas, particularmente en el contexto de los acontecimientos de Ar-Raqqah, indica que se está consolidando un ataque generalizado y sistemático contra la población civil.

60. El aumento de los casos de tortura y trato inhumano contra la población civil en las zonas controladas por el ISIS y grupos afines ofrecen motivos razonables para creer que esos grupos promueven un ataque generalizado y sistemático contra la población civil.

61. Los actos cometidos contra la población civil por los grupos armados no estatales antes señalados en las zonas que se encuentran bajo su control equivalen a tortura y trato inhumano constitutivos de crimen de guerra y, en el contexto de Ar-Raqqah, de crimen de lesa humanidad.

F. Violencia sexual y violencia de género

62. La violencia sexual y la violencia de género persisten en el conflicto. La presentación de información sigue siendo difícil por los motivos que ya ha indicado la comisión en informes anteriores.

1. Fuerzas gubernamentales y milicias progubernamentales

63. En noviembre de 2013, en la Oficina 215 del Servicio de Inteligencia Militar de Damasco, una mujer fue sometida a un registro corporal en sus zonas íntimas por un comandante varón antes de ser torturada y agredida sexualmente. En diciembre fue trasladada a la inteligencia militar en Homs, donde fue torturada y obligada a practicar sexo oral.

64. En 2012, en una oficina de los servicios de inteligencia en Hama, 5 mujeres fueron torturadas a diario, inclusive mediante electrocución, durante más de un mes. En el mismo período, 2 mujeres fueron violadas por oficiales al mando durante 15 días consecutivos. En agosto de 2013, 1 mujer fue desnudada y expuesta en un puesto de control cerca de Al-Jadeedah antes de ser trasladada a la Oficina de Hama, donde fue violada. En diciembre de 2013, una joven de 18 años fue torturada y violada repetidas veces.

65. Las torturas sexuales, incluida la ligadura de testículos, se han perpetrado sistemáticamente contra hombres y niños retenidos en Damasco, Homs y Alepo. En noviembre de 2012, un hombre fue violado en la oficina de seguridad de Al Khatib en Damasco. En enero de 2013, en la Oficina de Seguridad de Homs, agentes de seguridad golpearon y electrocutaron los genitales de un joven de 17 años y lo violaron en presencia de otros.

66. Se produjeron violaciones y agresiones sexuales contra mujeres y niñas en puestos de control en Damasco, Latakia, Dara'a, Homs y Alepo. En enero de 2013, una joven de 17 años fue violada en grupo en un puesto de control gubernamental en la zona rural de Damasco. En febrero de 2013, una mujer de 28 años fue obligada a bajar de un autobús por milicias gubernamentales en Latakia y violada en grupo.

67. En puestos de control gubernamentales en Damasco se cometieron torturas y violaciones contra hombres debido a su orientación sexual. En 2011, seis varones homosexuales fueron golpeados cruelmente con cables eléctricos por agentes de seguridad y se les amenazó con violarlos. En octubre 2012, un hombre fue detenido por agentes de seguridad porque el hermano de su socio era miembro del Ejército Libre de Siria. El hombre fue llevado al campo, donde se le hicieron quemaduras con cigarrillos en el cuerpo y fue violado en grupo.

68. Las fuerzas gubernamentales mantienen una campaña con francotiradores en Bustan Al-Qasr (Alepo). En un solo día en octubre, los médicos trataron a cinco hombres a los que se había disparado en las ingles. El mismo mes, seis mujeres embarazadas recibieron disparos en el abdomen.

69. Las fuerzas y milicias gubernamentales cometieron violaciones, actos de tortura sexual y actos de violencia sexual contra hombres, mujeres y niños. Esta conducta formaba parte de un ataque generalizado en el que la población civil es blanco de detenciones y sistemáticamente sometida a múltiples vulneraciones de sus derechos. Esos actos constituyen crímenes de lesa humanidad, crímenes de guerra e infracciones de la legislación internacional de derechos humanos.

2. Grupos armados no estatales

70. En 2012, una mujer curda de Afrin fue secuestrada, retenida en régimen de aislamiento y violada por la Brigada de la Tormenta del Norte en Azaz (Alepo). En junio de 2013, una mujer fue torturada y amenazada de violación en la ciudad de Ar-Raqqah por "faltar al respeto" al Consejo de la Sharia. En octubre de 2013, un hombre de 26 años fue detenido por su orientación sexual. Fue golpeado y colgado por los brazos desde un techo por el ISIS en Ar-Raqqah. El 31 de octubre, una directora de escuela fue azotada en público por el ISIS en Ar-Raqqah por no llevar el *hiyab*.

71. Las violaciones, las torturas sexuales y la violencia sexual perpetradas por grupos armados no estatales infringen el artículo 3 común de los Convenios de Ginebra y constituyen crímenes de guerra.

G. Vulneraciones de los derechos del niño

1. Fuerzas gubernamentales y milicias progubernamentales

72. Las milicias progubernamentales armaron y utilizaron a niños desde los 13 años de edad en puestos de control de Alepo, Dara'a y Tartus. En octubre de 2013, en Ataman (Dara'a), los comités populares armaron y adiestraron a niños desde los 14 años de edad.

73. Los asedios gubernamentales tuvieron como consecuencia una grave malnutrición de los niños pequeños de Daraya, Muadamiyah y Yarmouk (Damasco).

74. Las fuerzas gubernamentales y milicias progubernamentales detuvieron a niños, en particular adolescentes, en sus puestos de control en Alepo, Damasco y Dara'a. Las niñas denunciaron actos de violencia sexual y acoso sexual en los puestos de control.

75. Los menores fueron recluidos con los adultos y sometidos a tortura en la Oficina de Seguridad Política de Alepo y el centro de detención de la Oficina de Seguridad Militar de Damasco. Un chico de 15 años, que pasó tres meses detenido hasta finales de julio, fue sometido a torturas diarias. En su cuerpo podían apreciarse cicatrices, incluso de quemaduras de cigarrillo. Mostraba signos evidentes de estrés postraumático.

76. En Aleppo, los francotiradores dispararon deliberadamente contra niños. Un médico informó de que en octubre de 2013 al menos un niño al día resultaba herido por un francotirador y citó el caso de un niño de 8 años muerto mientras llevaba el pan.

77. Muchos niños han muerto, han resultado heridos o han sufrido discapacidades permanentes debido a los ataques de artillería indiscriminados y los bombardeos aéreos realizados por las fuerzas gubernamentales. Desde julio, una docena de escuelas han sido atacadas con artillería, provocando muertos y heridos entre los niños en las provincias de Aleppo, Ar-Raqqa, Damasco, Dara'a, Dayr Az Zawr, Homs e Idlib.

78. Las fuerzas gubernamentales y las milicias afines cometieron actos que constituyen crímenes de guerra, entre ellos la tortura de niños detenidos y el reclutamiento y la utilización de niños. La utilización de niños por las milicias progubernamentales incumple los compromisos contraídos por la República Árabe Siria en relación con el Protocolo facultativo de la Convención sobre los Derechos del Niño. La privación de alimentos y atención médica durante los asedios vulnera las obligaciones internacionales en materia de derechos humanos y las obligaciones del derecho humanitario. El derecho de los niños a la educación se ha denegado en forma de ataques indiscriminados a las escuelas.

2. Grupos armados no estatales

79. Ahrar al-Sham, varios grupos afines al Ejército Libre de Siria, Jabhat Al-Nusra y el ISIS reclutaron y utilizaron a niños. A finales de 2013, se observó a niños en funciones de combate con grupos afines al Ejército Libre de Siria en Tamoura (Alepo), con Jabhat Al-Nusra en Al-Hasakah y con el ISIS en Ar-Raqqa y Aleppo. Hubo niños heridos durante la lucha activa.

80. Los grupos armados asignaron a niños reclutas de 12 a 14 años de edad a puestos de control y utilizaron a niños para cargar municiones. En 2013, se observó que había menores en puestos de control del ISIS en Ar-Raqqa y en puestos de control del Batallón Saddam Hussein en Aleppo. Jabhat Al-Nusra adiestró a niños en el uso de armas en Tal Rifat (Alepo) en julio de 2013. El ISIS utilizó una escuela de Al Bab (Alepo) como campamento de adiestramiento militar para niños en septiembre de 2013.

81. En julio y agosto de 2013 se observó que había combatientes del YPG menores de edad en Qamishli (Al-Hasakah) y en Ayn Al-Arab (Ar-Raqqa). En una carta fechada el 30 de septiembre de 2013 dirigida a la comisión, el YPG afirmó su política consistente en no utilizar a niños menores de 18 años. Una orden emitida el 14 de diciembre de su mando central a los mandos del YPG se hacía eco de esas directrices. Se sigue vigilando el cumplimiento de esa política.

82. Algunos grupos armados han detenido y torturado a niños. Un muchacho de 14 años afirmó que fue torturado por Ahrar Al-Sham en Ar-Raqqa en julio con la intención de extraer información acerca de su tío.

83. Han muerto niños en bombardeos indiscriminados por grupos armados. El 5 de octubre, un niño de 13 años y su amigo resultaron muertos en un ataque con fuego de mortero cuando se encontraban en el patio de la escuela en Nubul (Alepo). El 31 de octubre, una niña murió en un ataque de mortero contra una escuela de Damasco.

84. Grupos armados no estatales han cometido el crimen de guerra de reclutar y utilizar a niños menores de 15 años para participar activamente en las hostilidades y han reclutado y utilizado a niños menores de 18 años en las hostilidades, lo que infringe el Protocolo facultativo de la Convención sobre los Derechos del Niño. También cometieron el crimen de guerra de tortura contra niños. El derecho de los niños a la educación se ha visto denegado por la utilización de escuelas como bases militares y campos de adiestramiento.

IV. Infracciones cometidas durante las hostilidades

A. Ataques ilegítimos

85. En ataques indiscriminados y desproporcionados, principalmente bombardeos aéreos y fuego de artillería, se produjeron muertes y heridas en masa entre la población civil. Los ataques ilegítimos siguen siendo la razón principal de los desplazamientos internos y las corrientes de refugiados.

1. Fuerzas gubernamentales y milicias afines

a) Fuego de artillería y bombardeos aéreos

86. En todo el país, el Gobierno atacó zonas civiles con artillería, fuego de mortero y disparos de tanques. En algunas zonas, los bombardeos aéreos con helicópteros y aviones de combate se produjeron a diario. Se registró un marcado aumento de la utilización de bombas de barril, que son sumamente imprecisas y letales, arrojadas desde helicópteros que sobrevolaban zonas urbanas a gran altura. Esta forma de uso de bombas de barril es indiscriminado (véase el anexo VI).

87. Las fuerzas gubernamentales bombardearon de manera encarnizada zonas en disputa de importancia estratégica habitadas por civiles. Las provincias de Alepo, Damasco, Dara'a, Idlib y Ar-Raqqa fueron objeto de ataques continuos.

88. Los ataques no se dirigían contra objetivos militares bien diferenciados. En las zonas donde había combatientes de los grupos armados, las fuerzas gubernamentales trataron los objetivos militares claramente diferenciados situados en zonas densamente pobladas como un solo objetivo. El bombardeo de zonas enteras aterroriza a la población civil y está prohibido por el derecho internacional humanitario. Las fuerzas gubernamentales no transmitieron advertencias antes de los ataques.

89. La provincia de Alepo fue objeto de ataques intensos e indiscriminados: la ciudad de Alepo fue bombardeada durante todo el período examinado, lo que culminó en una campaña aún en marcha de bombardeos con barriles que provocaron cientos de muertes y heridas, incluso mutilaciones, entre los civiles. Las fuerzas gubernamentales dispararon fuego de mortero y misiles en Azaz en julio. En agosto, docenas de civiles, incluidos mujeres y niños, murieron a causa de los misiles lanzados por aviones del Gobierno. El 26 de agosto, murieron civiles, sobre todo niños, en un ataque con bombas incendiarias en una escuela en Urem Al-Koubra. En septiembre y octubre se produjeron bombardeos aéreos concentrados, incluso con misiles y bombas de barril, en Minbij, Al-Safirah y Tal Hasel. El campamento de desplazados cercano a Al-Safirah fue atacado con bombas de barril a principios de octubre, provocando numerosas bajas civiles. Entre noviembre de 2013 y enero de 2014, pueblos de Alepo, entre ellos Abu Taltal y Maarat Al-Arteeq, fueron atacados con misiles y fuego de artillería. En diciembre, la localidad de Mayer fue atacada con artillería de manera indiscriminada desde posiciones del ejército en Nubul y Zahra.

90. Pueblos y aldeas de la provincia de Damasco fueron objeto de ataques incesantes. Entre mediados de septiembre y mediados de octubre, Al-Ghouta sufrió intensos bombardeos aéreos casi a diario, lo que tuvo un efecto devastador en la zona, densamente poblada. Muadamiyah y Daraya, también sitiadas, fueron sometidas a bombardeos y fuego de artillería. Qaboun, Dumayr, Beit Jin y Zabadani también fueron atacados de forma ilegítima. En la región de Qalamoun, los ataques indiscriminados de las fuerzas del Gobierno durante noviembre y diciembre forzaron la huida de más de 4.000 familias.

91. Las fuerzas gubernamentales atacaron repetidamente con fuego de artillería y misiles los barrios de Tariq Al-Saad y Saharra en la ciudad de Dara'a. En julio y agosto, se

documentaron ataques indiscriminados, en general fuego de artillería desde posiciones del ejército cercanas en Nawa, Alma, Naseeb, Dael, Inkhel y Yadoudeh en la provincia de Dara'a.

92. Los ataques contra pueblos y aldeas de la provincia de Idlib son demasiado numerosos para detallarlos. La región de Jabal Al-Zawiya, en particular las localidades de Saraqib, Kafr Nabl y Maarat Al-Numan, fue sometida a intensos bombardeos aéreos entre julio y octubre, incluso con bombas de barril. El 21 de julio un mercado de Ariha fue bombardeado, lo que provocó innumerables víctimas civiles. Ariha fue objeto de intensos ataques entre el 24 de agosto y el 3 de septiembre. En ambas ocasiones se produjeron numerosas víctimas civiles.

93. En el mes de julio la ciudad de Ar-Raqqa fue sometida a bombardeos aéreos que incluyeron el uso de bombas de barril. El 29 de septiembre, un avión bombardeó una escuela y mató a 16 personas, de las cuales 13 eran niños.

94. También se documentaron ataques de artillería y bombardeos aéreos en las provincias de Homs, Hama, Al-Hasakah y Dayr az Zawr.

95. Las fuerzas gubernamentales lanzaron ataques indiscriminados y desproporcionados, lo que vulnera el derecho internacional humanitario.

96. Las fuerzas gubernamentales siguieron situando objetivos militares dentro de las ciudades y las aldeas, entre otros lugares en Nubul y Zahra (Alepo), poniendo en peligro con ello a la población civil e incumpliendo sus obligaciones jurídicas internacionales.

b) Ataques de francotiradores

97. En la ciudad de Alepo, las partes combatientes demarcaron las zonas que tenían bajo control situando francotiradores en posiciones elevadas sobre las líneas de combate. Bustan Al-Qasr siguió siendo el único paso entre las zonas controladas por el Gobierno y las controladas por grupos armados no estatales en la ciudad de Alepo. El Ayuntamiento de Alepo es un edificio de gran altura que proporciona una atalaya para los francotiradores del Gobierno, que disparan hiriendo, mutilando y matando a civiles que atraviesan Bustan Al-Qasr.

98. Médicos de hospitales en la zona de Alepo controlada por la oposición refieren haber tratado a un número inusualmente alto de heridos por francotiradores desde junio de 2013. La mayoría eran civiles procedentes de las zonas afectadas por la escasez que atravesaba Bustan Al-Qasr para tener acceso a artículos más baratos. Se trataba de víctimas de todas las edades, incluidos niños, ancianos y embarazadas. Un médico afirmó que se estaba utilizando a los civiles para "practicar la puntería". Un cirujano que operaba en otro hospital confirmó esta práctica y explicó que ciertos días se observaba una pauta evidente de heridas por francotiradores. La mayoría de las víctimas presentaba una sola herida de bala causada por un disparo a gran velocidad, que provocaba "enormes daños" y una intensa hemorragia. A menudo se dejaba que las víctimas se desangraran en la calle, pues cualquiera que se acercara para prestarles ayuda también recibiría un disparo.

99. También se documentaron ataques de francotiradores contra civiles en Yarmouk y Dara'a Al Balad (Dara'a).

2. Grupos armados no estatales

a) Fuego de artillería

100. Los grupos armados siguieron atacando Nubul y Zahra (Alepo) con munición de artillería y cohetes de fabricación casera. En ataques con mortero realizados en septiembre y octubre murieron o resultaron heridos niños pequeños. Se disparó fuego de artillería

contra poblaciones civiles curdas en Qamishli, Quiro, Ras Al-Ayn y Al-Malikiyah (Al-Hasakah).

101. Grupos armados con base en Al Mlihah, Beit Saham y Ein Tarma en la zona rural al oeste de Damasco lanzaron cohetes y proyectiles de artillería de fabricación casera contra zonas controladas por el Gobierno, en particular los barrios de Jaramana y Mezzeh, provocando muertes de civiles. En Bab Tuma, el 11 de noviembre, un proyectil de mortero impactó contra un autobús escolar matando a cinco niños.

102. Grupos armados no estatales utilizaron fuego de mortero y de artillería y cohetes de fabricación casera sin distinguir entre objetivos civiles y militares, lo que constituye un ataque ilícito.

103. Aunque se registraron casos de combatientes armados que ocupaban posiciones a las afueras de las localidades, lejos de las poblaciones civiles, la mayoría de los combatientes, incluidos los de las ciudades de Alepo y Ar-Raqqah, tomaron posiciones entre la población civil, exponiéndola a ataques e infringiendo la obligación legal internacional de evitar la situación de objetivos militares dentro o en las proximidades de zonas densamente pobladas.

b) Coches bomba y ataques suicidas

104. Durante el período que se examina, grupos armados hicieron explotar coches y bombas suicidas en las provincias de Al-Hasakah, Ar-Raqqah, Homs, Alepo y Damasco. También se documentó el uso de artefactos explosivos improvisados en Homs.

105. El 15 de agosto, el ISIS hizo explotar una bomba en una estación de ferrocarril en Ar-Raqqah, cerca del cuartel general de las Brigadas de Ahfad Al-Rasoul. El 4 de noviembre, se lanzó un ataque suicida con bomba contra una oficina de Hezbollah en Al-Thabiytiya (Homs). Esos ataques, aunque dirigidos contra objetivos militares, produjeron muertos y heridos entre la población civil, lo que supone un resultado desproporcionado en relación con la ventaja militar prevista.

106. El 19 de septiembre, grupos armados hicieron explotar por control remoto minas terrestres situadas a lo largo de una carretera secundaria entre Jabourin y la ciudad de Homs. La explosión alcanzó a tres vehículos civiles y a consecuencia murieron nueve civiles. El 26 de noviembre, grupos armados hicieron explotar una bomba en la estación central de Al-Sumariyah en Damasco, matando a docenas de civiles. Esos tres ataques parecían diseñados para causar víctimas entre los civiles, lo cual constituye un crimen de guerra. Los ataques cuyo propósito primordial es aterrorizar a la población civil están prohibidos por el derecho internacional humanitario.

B. Personas y bienes que gozan de protección específica

1. Hospitales y personal sanitario

a) Fuerzas gubernamentales y milicias progubernamentales

107. Las fuerzas gubernamentales siguen destruyendo hospitales y unidades médicas y tomando como objetivo al personal médico (véase también el anexo VII). Durante el período que se examina, se documentaron ataques en las provincias de Alepo, Damasco, Dara'a y Homs. También se impidió que civiles y combatientes fuera de combate enfermos y heridos tuvieran acceso a tratamiento médico.

108. En Damasco, la artillería atacó hospitales de Ghouta oriental. Durante una invasión terrestre en julio, las fuerzas destruyeron un hospital de campaña en Al-Zemaniyah. Tras el

ataque en Al-Ghouta del 21 de agosto, cayó fuego de artillería en las cercanías del hospital de Al-Fatih, en el que recibían tratamiento víctimas de la agresión con armas químicas; el hospital se vio obligado a dar el alta a sus pacientes. A principios de noviembre, el ejército atacó el hospital de Al-Rajaa en Irbeen, donde se estaba tratando a combatientes de los grupos armados. El 3 de noviembre las fuerzas aéreas bombardearon un hospital de campaña en Beit Jin.

109. Hospitales de la ciudad de Aleppo y de Al Bab fueron atacados con artillería y bombardeos aéreos sostenidos. En julio de 2013 resultó destruido el hospital de Jaban en la ciudad de Aleppo. El 11 de septiembre un avión lanzó un misil contra el hospital de campaña de Al Bab, matando a 15 personas, entre ellas 1 médico, 4 auxiliares médicos y 8 pacientes, e hiriendo a muchos más. El hospital se había trasladado en tres ocasiones debido a los ataques de artillería.

110. En agosto, un hospital de campaña en Naseeb (Dara'a) fue atacado con artillería. En octubre de 2013, las fuerzas gubernamentales lanzaron cohetes contra el hospital de Al-Qaryatayn (Homs), provocando 30 muertos y más de 100 heridos.

111. Miembros del personal médico fueron objetivo de los disparos y murieron mientras trabajaban. Los francotiradores dispararon sistemáticamente contra las ambulancias en la ciudad de Aleppo en septiembre y octubre. En agosto, un francotirador disparó y mató a un enfermero en el hospital de Al-Hilal en Aleppo. Miembros del personal médico sospechosos de tratar o facilitar material médico a la oposición fueron detenidos o torturados, como en el caso del Dr. Abbas Khan, que murió mientras estaba detenido por fuerzas gubernamentales el 17 de diciembre.

112. Las fuerzas gubernamentales bloquearon la entrada de suministros y material médico a las zonas sitiadas. En los puestos de control se han producido detenciones o devoluciones de personas que necesitaban tratamiento médico.

113. En los ataques contra hospitales, unidades médicas y personal sanitario, el Gobierno infringió la legislación internacional humanitaria que lo obliga a atender a los enfermos y los heridos, y cometió el crimen de guerra de atacar bienes protegidos. Debido a la destrucción de hospitales y a la muerte, la detención o la huida de miembros del personal médico, la infraestructura sanitaria se ha visto gravemente debilitada, lo que tiene consecuencias desastrosas para la población civil.

b) Grupos armados no estatales

114. Durante el ataque contra Sadad (Homs) del 21 al 28 de octubre, grupos armados saquearon el hospital y lo dejaron inservible. El 11 de noviembre, un coche bomba fue detonado a distancia a las puertas de un dispensario de la Media Luna Roja Curda en Ayn Al-Arab (Ar-Raqqah). En un ataque contra Deir Atiyah (Damasco) que tuvo lugar el 19 de noviembre, se produjo un ataque suicida con explosivos en la entrada del hospital, mientras otros combatientes ejecutaban a nueve miembros del personal médico. El 16 de agosto, un grupo armado atacó una ambulancia de la Media Luna Roja Curda en Ras Al-Ayn (Al-Hasakah). Tras intentar destruirla con un artefacto explosivo improvisado, los combatientes dispararon contra la ambulancia, matando a su conductor y a un enfermero. En sus ataques contra hospitales, unidades médicas y personal sanitario, los grupos armados han vulnerado el derecho internacional humanitario y han cometido el crimen de guerra de ataque contra bienes protegidos.

115. Durante un ataque contra Tal Hasel (Alepo) los días 28 y 29 de julio, los grupos armados situaron francotiradores en torno al centro médico. La colocación de objetivos militares en los hospitales incumple la obligación de adoptar todas las precauciones razonables para proteger a los civiles de los efectos de un ataque. Esos actos incumplen también la obligación fundamental de respetar y proteger las unidades médicas.

c) Personal religioso y bienes culturales

i) Fuerzas gubernamentales y milicias progubernamentales

116. Las fuerzas gubernamentales tomaron como objetivos militares bienes de gran importancia cultural y sus alrededores. Las imágenes de satélite demostraron que se estaban construyendo puestos militares en la ciudad prerromana de Palmira (Homs). Para construirlos se utilizaban estructuras antiguas o se construían sobre las ruinas. El Gobierno, al construir y situar objetivos militares en Palmira y sus alrededores, ha incumplido su obligación de respetar y proteger los bienes culturales con arreglo a la Convención para la Protección de los Bienes Culturales en caso de Conflicto Armado.

ii) Grupos armados no estatales

117. Se observó un marcado aumento de los ataques de grupos armados no estatales contra personal y edificios religiosos. Esos ataques amenazan directamente la libertad de culto.

118. El 28 de julio, el Padre Dall'Oglio fue secuestrado por el ISIS en la ciudad de Ar-Raqqah; su paradero sigue siendo desconocido. El 4 de agosto, un imán alauita fue ejecutado durante un ataque contra localidades de Latakia oriental. El 2 de diciembre, un grupo armado trasladó a varias religiosas del monasterio de Martar y la iglesia de Maaloula a Yabroud. Aunque al principio esta acción parecía tener como propósito alejarlas de la zona de lucha activa, las religiosas siguen en Yabroud y se han impuesto condiciones para su liberación. Los arzobispos ortodoxo sirio y ortodoxo griego Yohanna Ibrahim y Paul Yazigi siguen retenidos tras ser secuestrados en Alepo en el mes de abril.

119. El 4 de septiembre se produjo un choque entre grupos armados y fuerzas gubernamentales en Maaloula (Damasco). Se saquearon y destruyeron iglesias. Las iglesias históricas de Mar Sarkis y Barhos fueron empleadas como base para las operaciones militares. En octubre, el ISIS produjo daños en la iglesia de Saidat Al-Bishara en Ar-Raqqah y estableció en ella su cuartel general. Durante el ataque que tuvo lugar entre el 21 y el 28 de octubre contra Sadad (Homs), grupos armados profanaron iglesias cristianas. Los días 16 y 17 de noviembre, durante la lucha en Qara (Damasco), se produjeron daños en la iglesia de Mar Michael. Mientras las fuerzas gubernamentales recuperaban el control de Qara, los grupos armados dispusieron armamento en las cercanías de las iglesias cristianas.

120. Grupos armados dañaron y destruyeron deliberadamente bienes de gran importancia para el patrimonio cultural de la República Árabe Siria, lo que infringe el derecho internacional humanitario.

121. Durante un ataque contra Tal Hasel y Tal Aran (Alepo) los días 28 y 29 de julio, grupos armados afines al ISIS situaron a francotiradores en los minaretes de las mezquitas, exponiendo el edificio a ataques ilícitos.

d) Periodistas

122. En 2013, 28 periodistas fueron asesinados en la República Árabe Siria, lo que la convierte en el país más mortífero del mundo para los trabajadores de los medios de información.

i) Grupos armados no estatales

123. El ISIS amenazó directamente la seguridad de periodistas en las provincias de Alepo y Ar-Raqqah.

124. El 4 de diciembre, Yasser Al-Jumaili, veterano operador de cámara independiente del Iraq, fue ejecutado en Idlib. En su última conversación con Al Jazeera, afirmó que estaba retenido por el ISIS.

125. El 31 de diciembre de 2012, Jabhat Al-Nusra y otros grupos armados de Alepo retuvieron a un periodista extranjero. Recibió malos tratos en varios centros de detención clandestinos hasta que logró escapar a finales de julio de 2013. El 8 de abril, dos periodistas extranjeros fueron detenidos en Al-Qusayr (Homs) por un grupo afín a la Brigada Al-Farouk y repetidamente torturados hasta su liberación en septiembre. El 24 de julio, combatientes del ISIS atacaron un centro de información en Saraqib (Idlib), agrediendo a su personal y secuestrando a un periodista extranjero, que supuestamente escapó en octubre y abandonó el país.

126. En sus ataques continuos contra los periodistas, los grupos armados, en particular el ISIS, infringieron el derecho internacional humanitario. Esos ataques constituyen también una amenaza directa contra el derecho a la libertad de expresión.

C. Uso de armas ilegales

1. Armas químicas

127. En su informe, la misión de las Naciones Unidas encargada de investigar las denuncias de empleo de armas químicas confirmó que durante el conflicto se habían empleado esas armas, en concreto sarín, en múltiples incidentes⁴. La comisión acopió información de forma independiente y confirmó esa conclusión en el caso de Al-Ghouta (21 de agosto), Khan Al-Assal (19 de marzo) y Saraqib (29 de abril).

128. En Al-Ghouta se utilizaron cantidades importantes de sarín en un ataque indiscriminado bien planificado contra zonas habitadas por civiles, que provocó víctimas en masa. Las pruebas disponibles en cuanto a la naturaleza, la calidad y la cantidad de los agentes empleados el 21 de agosto indican que los autores probablemente tenían acceso al arsenal de armas químicas del ejército sirio, y contaban con los conocimientos, la experiencia y el material necesarios para manipular en condiciones de seguridad grandes cantidades de agentes químicos. En cuanto al incidente ocurrido en Khan Al-Assal el 19 de marzo, los agentes químicos utilizados en el ataque tenían las mismas características singulares que los utilizados en Al-Ghouta.

129. Otras denuncias de empleo de armas químicas que se han investigado ponían de manifiesto circunstancias acusadamente distintas y tuvieron lugar a una escala considerablemente inferior. En ningún incidente se cumplió el criterio probatorio de la comisión respecto del autor.

2. Armas incendiarias

130. El 26 de agosto, un avión militar de combate descargó dos bombas incendiarias en la localidad de Urem Al-Koubra (Alepo), una de las cuales cayó sobre una escuela. La bomba dio lugar a una "bola de fuego" que mató a diez civiles e hirió gravemente a docenas más, principalmente niños y adolescentes. Aunque aún no está claro cuál fue el material inflamable empleado, la bomba provocó efectos parecidos a los del napalm. Las víctimas, algunas de las cuales no sobrevivieron, quedaron desfiguradas, con quemaduras de segundo y tercer grado en hasta el 80% de su cuerpo, y sufrieron intensos dolores.

131. Con el uso de bombas incendiarias en el incidente de la escuela de Urem Al-Khoubra, el Gobierno infringió las normas del derecho internacional humanitario que

⁴ A/67/997-S/2013/553.

prohíben el empleo de armas que provocan daños superfluos, sufrimientos innecesarios o tienen carácter indiscriminado.

D. Asedios y derechos económicos, sociales y culturales

1. Fuerzas gubernamentales y milicias progubernamentales

132. El Gobierno emplea métodos de guerra de asedio, instrumentalizando las necesidades humanas básicas de agua, alimento, alojamiento y atención médica como parte de su estrategia militar. Se han sitiado ciudades en toda la República Árabe Siria. Las zonas asediadas han sido atacadas con fuego de artillería y bombardeadas de manera implacable. Las fuerzas gubernamentales han restringido la distribución de ayuda humanitaria, incluido material quirúrgico, aduciendo que pueden utilizarse para tratar a combatientes heridos. Esas tácticas suponen una vulneración directa de las obligaciones que impone el derecho internacional humanitario, que exige asegurar que las personas heridas y enfermas sean recogidas y atendidas y asegurar el paso rápido y sin obstáculos del socorro humanitario. La privación de ayuda humanitaria, incluso de alimentos, se ha prolongado en muchas zonas, llevando a situaciones de malnutrición e inanición. El uso del hambre contra la población civil como método de guerra está prohibido. Esos actos también contravienen obligaciones básicas en relación con el derecho a una alimentación suficiente y el derecho al máximo nivel posible de salud.

133. En enero de 2014 había 160.000 personas sitiadas en las localidades de Dumah, Arbin, Zamalka, Kafr Batna, Harasta, Jisreen, Saqba y Al-Mliha en la zona oriental de Ghouta (Damasco rural). La privación de alimentos como estrategia militar en esta zona agrícola comenzó durante julio y agosto de 2013, con el bombardeo e incendio de cosechas y explotaciones agrícolas. A medida que se estrechaba el asedio, las fuerzas gubernamentales bloquearon las carreteras de acceso y confiscaron sistemáticamente alimentos, combustible y medicamentos en los puestos de control. Una mujer que huyó a mediados de septiembre y que llevaba más de un año sin comer carne ni verdura fresca, relató que los soldados de los puestos de control acosaban a todo el que descubrían transportando alimentos y destruían la comida afirmando su sospecha de que estaban "alineados con la oposición". En octubre, soldados del puesto de control "Tamico" en Al-Mliha detuvieron a una mujer porque transportaba pan oculto bajo la ropa. También en octubre, una mujer que intentaba entrar con comida para su familia fue acosada por los oficiales de seguridad de un puesto de control cercano a Douma, que le dijeron: "Buscaréis comida como los perros". Los francotiradores disparaban contra personas que intentaban salir o entrar en Ghouta oriental sin pasar por los puestos de control.

134. A principios de octubre, los residentes solo disponían para sobrevivir de trigo triturado, arroz y hojas de los árboles como sustituto de verduras. Hasta la fecha, el agua está disponible esporádicamente y en cantidad insuficiente. El Gobierno se ha negado repetidas veces a aprobar la entrega de material quirúrgico en envíos humanitarios. Esta obstrucción deliberada de la entrada de material médico ha dado lugar a terribles condiciones para los enfermos y los heridos. Un hombre herido relató que los médicos utilizaban tela de los sacos de harina para vendar a los pacientes. Los puestos de control del Gobierno impedían salir de Ghouta oriental a las personas que necesitaban tratamiento médico. Se denegó el acceso a tratamiento médico tanto a los que lo necesitaban de urgencia como a los que padecían afecciones crónicas, lo que provocó muertes.

a) Muadamiyah

135. Antes de la tregua militar de diciembre de 2013, 12.000 personas estaban atrapadas en Muadamiyah. La zona estaba sitiada desde el norte por la 4ª División estacionada cerca

del aeropuerto de Mezzeh, y desde el sur y el oeste por la Guardia Presidencial cerca de Jdaydet Artuz. Cuando se bloquearon las carreteras desde Dara'a hasta Muadamiyah el 20 de abril, el suministro de alimentos quedó cortado, lo que gradualmente se tradujo en malnutrición e inanición. Los residentes contaron que sobrevivían a base de olivas, hojas de árboles, hierbas y plantas silvestres una vez que se agotaron el trigo triturado y el arroz. El suministro de agua fue cortado, en ocasiones durante varias semanas. Un residente de Muadamiyah describió la humillación y la agonía del hambre, explicando que cuando su hijo de 3 años murió a finales de mayo "murió con hambre".

136. Los niños que parecían enfermedades y heridas de metralla no tenían acceso a alimentos o medicación, lo que provocó su muerte prematura. Muchos miembros del personal sanitario, incluidas la mayoría de las parteras, han huido. Debido a la falta de alimentos, las madres lactantes eran incapaces de amamantar a sus hijos, lo que fue causa de malnutrición y al menos una muerte. Las fuerzas gubernamentales habían cerrado la zona y situado a francotiradores que disparaban contra los que intentaban escapar.

137. El 13 de octubre, la Media Luna Roja Árabe Siria y el Comité Internacional de la Cruz Roja supervisaron la evacuación de 3.500 civiles de Muadamiyah. Durante la evacuación, las mujeres y los niños fueron separados de los hombres, muchos de los cuales fueron sometidos a comprobaciones en el aeropuerto de Mezzeh. Varios fueron arrestados y detenidos. Muchos varones en edad de luchar permanecieron en el interior, por miedo a ser detenidos, asesinados o "desaparecidos" por las fuerzas gubernamentales. Durante ulteriores evacuaciones, los días 15 y 29 de octubre, 5.000 personas más abandonaron Muadamiyah. A pesar de la tregua del 25 de diciembre, la ciudad sigue sitiada y no se ha concedido acceso humanitario de ningún tipo.

b) *Daraya*

138. En Daraya, rodeada al este por el Aeropuerto de Mezzeh y al sudoeste por Sahnaya, siguen sitiadas 8.000 personas. Personal del Gobierno de los puestos de control detuvo a personas basándose en el origen indicado en su tarjeta de identidad. Los residentes describen el "desastre humanitario" en Daraya, donde no se permite la entrada de alimentos, combustible o medicamentos. La malnutrición se ha extendido, afectando drásticamente a los niños.

c) *Campamento de Yarmouk*

139. En el Campamento Palestino de Yarmouk siguen sitiadas 20.000 personas, privadas de alimentos y de suministros médicos. La población no tiene nada que comer, ha agotado todas sus reservas y recurre a alimentarse de hojas de plantas, vender sus pertenencias y saquear las casas abandonadas. En enero de 2014 se comunicaron casos de muerte por inanición. Los hospitales y los dispensarios médicos están dañados por los bombardeos y la falta de atención sanitaria es completa. Hasta la fecha no se han permitido entregas de suministros médicos en Yarmouk. El 15 de enero, se autorizó la entrada en Yarmouk de un convoy del OOPS solo desde la entrada norte, donde proseguían las hostilidades. El convoy no pudo seguir debido a la inseguridad. Desde entonces, se ha permitido la entrada de convoyes humanitarios en la zona pero fuerzas de seguridad del Gobierno situadas en el interior del campamento han impedido la entrega de los alimentos.

d) *Homs (Ciudad Vieja)*

140. En febrero de 2012 se impuso un asedio a la Ciudad Vieja de Homs. Se construyeron puestos de control y barricadas y un muro de hormigón de 1 km de longitud junto al perímetro de la Oficina de Seguridad Política de la Ciudad Vieja, bloqueando todo acceso. La última vez que se permitió la entrada de ayuda humanitaria fue en octubre de 2012. Las 4.000 personas que permanecen en el interior se vieron privadas de agua y

electricidad, así como de alimentos y suministros médicos. El fuego de artillería periódico provocó heridos que siguen sin tratar y ello da lugar a altas tasas de mortalidad. Francotiradores del Gobierno, situados en todos los puntos de acceso, limitaron la circulación y dispararon indiscriminadamente contra las personas.

2. Grupos armados no estatales

a) Aleppo

i) Nubul y Zahra

141. Grupos armados no estatales rodearon Nubul y Zahra, sitiando a 45.000 personas. El asedio está a cargo de grupos afines al Frente Islámico, Jaish Al Mujahedeen, Jabhat Al-Nusta y el Frente Revolucionario de Siria, que han erigido puestos de control en torno a la zona y han cortado las líneas de suministro eléctrico y de agua. Esos grupos han denegado el acceso a los convoyes humanitarios, incumpliendo sus obligaciones con arreglo al derecho internacional humanitario. Ello se ha traducido en terribles condiciones humanitarias; los residentes excavan pozos para conseguir agua y padecen enfermedades por falta de saneamiento. Cuando un helicóptero con ayuda humanitaria y material escolar fue atacado en junio de 2013, las fuerzas gubernamentales cesaron la entrega de artículos de primera necesidad. El único centro de salud que queda en Nubul y Zahra cuenta con poco material y recurre a medios primitivos para tratar a las personas con enfermedades crónicas y los heridos durante los ataques indiscriminados con artillería en las localidades.

142. Grupos armados de la región han ampliado periódicamente el asedio para incluir a Afrin, que proporciona una línea de suministro a Nubul y Zahra. Al intensificarse el conflicto entre el YPG y los grupos armados en Al-Hasakah el 17 de julio, volvió a imponerse el asedio en Afrin. En enero de 2014, el ISIS impedía el acceso humanitario a Afrin.

ii) Hama

143. El valle de Al-Ghab, una zona agrícola, contiene un grupo de aldeas alauitas rodeadas por una población predominantemente sunita. Las posiciones militares gubernamentales desplegadas en las aldeas alauitas bombardean la zona circundante. Los grupos armados no estatales han respondido disparando deliberadamente contra los agricultores que trabajan en los campos. Los asesinatos y secuestros repetidos han hecho imposible que los residentes de Mirdash y Shatha cultiven sus tierras, privándoles así de su principal fuente de ingresos y sustento. Los ataques contra los agricultores que cultivan sus tierras con el fin específico de impedirles el acceso a la producción agrícola están prohibidos por el derecho internacional humanitario.

E. Desplazamientos arbitrarios y forzados

1. Fuerzas gubernamentales y milicias progubernamentales

144. Al lanzar bombardeos aéreos y ataques de artillería indiscriminados y desproporcionados, el Gobierno ha provocado desplazamientos arbitrarios en gran escala. Con ello ha incumplido la obligación que le impone la legislación internacional de derechos humanos de proteger a los civiles de esos desplazamientos. Ha incumplido sus obligaciones en virtud del derecho internacional humanitario de proporcionar a los civiles desplazados alojamiento, higiene, atención de salud, seguridad y nutrición y de asegurar que no se separe a los miembros de la misma familia.

2. Grupos armados no estatales

145. Se documentaron dos casos de desplazamiento forzado por grupos armados, de acuerdo con la definición del derecho internacional humanitario.

146. El 20 de julio, el ISIS, Jabhat Al-Nusra, las Brigadas Al-Sakhana, Saw'aiq Al-Rahman, las Brigadas Ibn Taimia y Ahrar Al-Sham se enfrentaron a fuerzas del YPG en Tal Abyad (Ar-Raqqah).

147. El 21 de julio, cuando se retiraron las fuerzas del YPG, los grupos armados transmitieron por radio órdenes de las mezquitas de los barrios de Al-Jisr, Harat Al-Leil y Hay Al Shallala en las que se instruía a los civiles curdos a abandonar la ciudad o soportar un ataque inmediato. Miles de civiles curdos huyeron en consecuencia. Muchos fueron capturados en puestos de control alrededor de la zona. Los bienes de las personas que huyeron fueron saqueados e incendiados.

148. En Alepo, el 28 de julio brotaron enfrentamientos en los enclaves curdos de Tal Aran y Tal Hasel entre Jabhat Al-Akrad y fuerzas del YPG por un lado y grupos afines a Jabhat Al-Nusra, el ISIS y el Ejército Libre de Siria por otro. Estos últimos grupos tomaron el control de Tal Aran y establecieron puestos de control y posiciones de francotiradores. Utilizando los altavoces de las mezquitas, combatientes de los grupos armados ordenaron el abandono de la población curda bajo amenazas de violencia. Miles huyeron al día siguiente.

149. El 29 de julio los combates se extendieron a Tal Hasel, donde se enfrentaron el YPG y los grupos armados mencionados. Después de enfrentamientos breves e intensos, los grupos armados rodearon la ciudad e irrumpieron en viviendas curdas, secuestrando a varones en edad de luchar. Utilizando los altavoces de las mezquitas, los grupos trataron a los curdos de "impíos" y afirmaron que "entre nosotros y los que decidan permanecer en Tal Hasel hay espadas". Se profirieron amenazas concretas contra mujeres y niños curdos, según las cuales los que permanecieran serían considerados "halal para los muyahidines".

150. La pauta de conducta de los grupos armados no estatales en Ar-Raqqah y Alepo en julio indica la existencia de una campaña coordinada y planificada para desplazar por la fuerza a los civiles curdos. Los métodos empleados, las amenazas de violencia y los secuestros ulteriores demuestran el desplazamiento deliberado de una población basado en su identidad étnica. Esa conducta es constitutiva del crimen de guerra de desplazamiento forzado.

V. Conclusiones y recomendaciones

A. Conclusiones

151. **La República Árabe Siria ha actuado de forma contraria al Pacto Internacional de Derechos Económicos, Sociales y Culturales, el Pacto Internacional de Derechos Civiles y Políticos, la Convención sobre la Eliminación de Todas las Formas de Discriminación contra la Mujer, la Convención contra la Tortura y Otros Tratos o Penas Crueles, Inhumanos o Degradantes, y la Convención sobre los Derechos del Niño y su Protocolo facultativo relativo a la participación de niños en los conflictos armados. Las fuerzas gubernamentales han vulnerado los derechos humanos básicos de la población que controlan y custodian. Como Estado, la República Árabe Siria es responsable de todos los actos cometidos por sus agentes oficialmente sancionados que incumplan sus obligaciones en virtud de los tratados internacionales.**

152. **En el curso del conflicto, las partes beligerantes en la República Árabe Siria han incumplido las obligaciones que les impone el derecho internacional humanitario.**

Han vulnerado las prohibiciones fundamentales del artículo 3 común de los Convenios de Ginebra, que son obligatorias para todas las partes del conflicto. Esos actos son constitutivos de crímenes de guerra, que conllevan responsabilidad penal individual. Los combatientes y sus mandos a título individual pueden tener que rendir cuentas por sus actos con arreglo al derecho penal internacional y ante los Estados que ejercen jurisdicción universal.

153. Los agentes externos que prestan a las partes beligerantes apoyo financiero y logístico tienen obligaciones en virtud del derecho internacional. Los Estados no deben autorizar la transferencia de armas si existe el riesgo de que sean utilizadas en la comisión de crímenes de lesa humanidad o crímenes de guerra. En la República Árabe Siria, como se ha documentado repetidamente, se trata de un riesgo cierto. Los Estados partes en el Convenio Internacional para la represión de la financiación del terrorismo deben adoptar medidas para impedir que personas y organizaciones recauden o donen fondos sabiendo que serán utilizados para financiar ataques contra civiles o personas que no toman parte activa en las hostilidades. Los donantes privados, así como los asesores extranjeros que prestan asistencia operacional, son responsables de los actos y conductas que suceden bajo su control. Los Estados que ejercen influencia sobre las partes en la República Árabe Siria tienen la obligación de velar por que esta cumpla las normas del derecho internacional humanitario.

154. El 2 de octubre de 2013, el Presidente del Consejo de Seguridad publicó una declaración en la que condenaba las vulneraciones generalizadas de los derechos humanos y del derecho internacional humanitario cometidas por las autoridades sirias, así como todo abuso de los derechos humanos e incumplimiento del derecho internacional humanitario cometido por grupos armados⁵. A tenor de este reconocimiento, el Consejo de Seguridad debe procurar la remisión a la justicia con el fin de que los autores de esas infracciones y esos abusos rindan cuentas.

155. El Consejo de Seguridad, al aprobar la resolución 2118 (2013) demostró tener capacidad para una acción unificada y efectiva en la República Árabe Siria. Los cinco miembros permanentes no han adoptado medidas respecto de otras infracciones graves que amenazan igualmente la paz y la seguridad internacionales. Esa falta de acción ha permitido la proliferación de agentes en la República Árabe Siria, cada uno con sus propias prioridades, lo que contribuye a la radicalización y la escalada de la violencia. El Consejo de Seguridad es responsable de esta situación.

B. Recomendaciones

156. La comisión de investigación reitera las recomendaciones que formuló en sus informes anteriores. Además, formula las recomendaciones que se exponen a continuación.

157. La comisión de investigación recomienda que todas las partes:

- a) Aseguren la protección de los civiles, garantizando su seguridad de manera efectiva;
- b) Respeten el derecho de la población civil a tener acceso a bienes de primera necesidad, alimentos y atención médica, y permitan el paso sin tropiezos de esos bienes;
- c) Distingan entre objetivos militares y civiles, absteniéndose de todo ataque indiscriminado y desproporcionado;

⁵ S/PRST/2013/15.

- d) No sometan a nadie, sea civil o combatiente, a torturas u otros tratos crueles, inhumanos o degradantes, incluida la violencia sexual;
- e) Respeten la prohibición del reclutamiento y la utilización de niños en las hostilidades;
- f) Traten a todas las personas detenidas con humanidad y proporcionen a una organización imparcial, neutral e independiente un acceso normalizado a las personas detenidas;
- g) Protejan a los trabajadores humanitarios y faciliten el paso rápido y sin obstáculos de los suministros de socorro;
- h) Respeten y protejan las escuelas y los hospitales y mantengan su carácter civil;
- i) Aseguren el paso en condiciones de seguridad y la protección del personal médico, los hospitales y las ambulancias;
- j) Se comprometan a asegurar que se preserven las pruebas materiales de las infracciones y los crímenes internacionales para proteger el derecho del pueblo sirio a la verdad.

158. La comisión recomienda que el Gobierno de la República Árabe Siria:

- a) Desista del empleo de armas ilegales, como armas incendiarias y otras armas como las bombas de barril, que tienen un objetivo indeterminado o muy impreciso, en las zonas civiles;
- b) Permita el acceso para que se realice una evaluación humanitaria independiente de las necesidades en Ghouta oriental, Yarmouk, Muadamiyah y la Ciudad Vieja de Homs;
- c) Permita el acceso de la comisión al país.

159. La comisión recomienda que los grupos armados no estatales:

- a) Permitan el acceso para que se realice una evaluación humanitaria independiente de las necesidades en Nubul y Zahra;
- b) Se distancien de los elementos extremos que incumplen el derecho internacional.

160. La comisión recomienda que los países que tienen influencia sobre las partes combatientes, en particular los miembros permanentes del Consejo de Seguridad, trabajen de manera concertada con miras a presionar a las partes para que pongan fin a la violencia y emprendan negociaciones incluyentes para un proceso de transición política sostenible en el país.

161. Además, la comisión recomienda que la comunidad internacional:

- a) Frene la proliferación del suministro de armas y aborde su procedencia;
- b) Sostenga la financiación de las operaciones humanitarias, abra el acceso a las víctimas de todas las zonas y facilite la expansión de las operaciones de socorro humanitario.

162. La comisión recomienda que el Consejo de Derechos Humanos apoye las recomendaciones formuladas, en particular transmitiendo el presente informe al Secretario General para que lo someta a la atención del Consejo de Seguridad a fin de que puedan adoptarse las medidas apropiadas, y por medio de un proceso oficial de notificación a la Asamblea General y al Consejo de Seguridad.

163. **La comisión recomienda que el Consejo de Seguridad:**
- a) **Apoye sus recomendaciones;**
 - b) **Adopte medidas apropiadas remitiendo la situación a la justicia, posiblemente a la Corte Penal Internacional, teniendo en cuenta que en el contexto de la República Árabe Siria solo el Consejo de Seguridad es competente para remitir la situación;**
 - c) **Mejore la aplicación y puesta en práctica de las normas internacionales de derechos humanos y el derecho humanitario haciendo uso de la variedad de facultades y medidas que tiene a su alcance como parte del imperativo de rendición de cuentas que incumbe a todas las partes.**

Anexo I

[Inglés únicamente]

Mission Permanente
de La
République Arabe Syrienne
Genève

الجمهورية العربية السورية
البعثة الدائمة لدى مكتب الأمم المتحدة
جنيف

Nº

Geneva, 7 September 2013

The Permanent Mission of the Syrian Arab Republic to the United Nations Office and other International Organizations in Geneva presents its compliments to The Office of the United Nations High Commissioner for Human Rights (OHCHR), in its capacity as secretariat of the International Commission of Inquiry on the Syrian Arab Republic (ICIJ), has the honor to inform the Col that the Government of the Syrian Arab Republic extends an invitation to Mrs Carla Del Ponte, in her personal capacity, to visit Syria.

In this context, the Syrian Arab Republic reiterates its readiness to extend all the necessary assistance and cooperation needed to ensure the success of Mrs. Del Ponte's visit to Syria.

The Permanent Mission of the Syrian Arab Republic avails itself of this opportunity to renew to The Office of the United Nations High Commissioner for Human Rights, the assurances of its highest consideration.



Office of the United Nations High Commission for Human Rights
Palais Wilson

NATIONS UNIES
DROITS DE L'HOMME
HAUT-COMMISSARIAT



UNITED NATIONS
HUMAN RIGHTS
OFFICE OF THE HIGH COMMISSIONER

HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
Tel: 41-22-9179989, Fax: 41-22-9179007

Independent International Commission of Inquiry on the Syrian Arab Republic established pursuant to
United Nations Human Rights Council Resolutions S-17/1, 19/22, 21/26 and 22/24

The Independent Commission of Inquiry on the Syrian Arab Republic presents its compliments to the Permanent Mission of the Syrian Arab Republic to the United Nations Office in Geneva and specialized institutions in Switzerland.

The Commission has the honour to refer to the Note Verbale from the Permanent Mission dated 7 September 2013, inviting Commissioner Carla Del Ponte to visit the Syrian Arab Republic in her personal capacity.

In this connection, the Commission wishes to inform the Permanent Mission that such a visit would need to be conducted in an official capacity by the Commissioners as a collegial body and that the delegation must include the Chair of the Commission and preferably the full membership of the Commission.

The Commission looks forward to discussing the terms of reference of the visit with the Permanent Mission and avails itself of this opportunity to extend to the Permanent Mission of the Syrian Arab Republic to the United Nations Office in Geneva and specialized institutions in Switzerland, assurances of its highest consideration.

10 September 2013



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

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26 September 2013

Excellency,

On behalf of the Independent International Commission of Inquiry on the Syrian Arab Republic, I wish to express my appreciation for your letter of 20 September 2013, transmitting the transcript of a recent intercepted telephone conversation. The Commission looks forward to receiving the CD containing the audio version of the conversation, as mentioned in your letter.

Allow me to take this opportunity to welcome the decision of the Government to become a State Party to the 1993 Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction.

As you know, in the context of implementing its mandate of investigating violations of international human rights and humanitarian law, the Commission of Inquiry will continue to investigate the allegations on the use of chemical weapons in Syria. In this regard, the Commission invites the Government to provide it with any other relevant information it may have on the use of chemical weapons in its territory.

In addition, the Commission of Inquiry's investigation will benefit immeasurably from it being given full and unfettered access to the country. It is essential for the voice of the Commission of Inquiry, as an independent and impartial body, be heard on this issue of such significant importance.

I wish to reiterate the readiness of the Commission of Inquiry to engage in a discussion with the Government on the modalities of such a visit.

Please accept, Excellency, the assurances of my highest consideration.

Paulo Sergio Pinheiro

Chair, Independent Commission of Inquiry
on the Syrian Arab Republic

His Excellency
Mr. Faysal Khabbaz Hamoui
Ambassador Extraordinary and Plenipotentiary
Permanent Representative
Geneva Switzerland



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Independent International Commission of Inquiry on the Syrian Arab Republic established pursuant to
United Nations Human Rights Council Resolutions S-17/1, 19/22, 21/26 and 22/24

The Independent International Commission of Inquiry on the Syrian Arab Republic presents its compliments to the Permanent Mission of the Syrian Arab Republic to the United Nations Office in Geneva and specialized institutions in Switzerland.

The Commission will present its last report as part of its current mandate to the Human Rights Council at its 25th session in March 2014. In this context, the Commission wishes to reiterate its request to visit the Syrian Arab Republic in order to gather relevant information for its investigation.

The Commission wishes to underline the important role that the Government could play, especially at this particular juncture, in providing crucial information relevant to the mandate of the Commission, including on the alleged use of chemical weapons.

In this context, Commissioners Carla del Ponte and Vitit Muntarbhorn, assisted by staff from the Secretariat, would be available to conduct an initial mission to the Syrian Arab Republic in the month of February.

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



Permanent Mission of the Syrian Arab Republic
To the United Nations Office and other
International organisations in Geneva
Geneva, Switzerland

Anexo II

[Inglés únicamente]

Political and humanitarian context

Political context

1. Since March 2011, the conflict devolved from a domestic protest movement into a non-international armed conflict. As protests spread from Dara'a governorate to other parts of the country, Government forces resorted to excessive use of force to quell the unrest. In parallel, the Government passed legal and political reforms that failed to diffuse the crisis. As early as July 2011, small groups of army defectors joined by armed civilians engaged with Government forces in restive areas. The Government framed its military response to the unrest in the context of fighting terrorism, while the opposition insisted on its demands for democracy and dignity.

2. In response to the deepening crisis, various opposition currents formed the National Coalition for Syrian Revolutionary and Opposition Forces in November 2012. The Coalition represents a wide array of civilian and political forces including local councils, independent nationalist figures and the Syrian National Council (SNC). The latter forms the largest bloc in the Coalition accounting for 22 of its 66 seats. The Coalition also encompasses the Supreme Military Council (SMC) which is intended to unify armed groups, curb the influence of radical groups and bridge the gap with armed actors. On 25 September 2013, thirteen of the most influential armed groups renounced their affiliation with the SMC and formed the Islamic Front (IF), weakening the credibility of the Coalition. The SNC's latest withdrawal from the Coalition, further undermined the latter's position on the eve of the Geneva 2 talks. Despite broadening its representation base to include the Kurdish National Council (KNC) and members of the internal opposition, some armed and political forces consider that the Coalition lacks effective representation on the ground and it is influenced by external factors. However, the Coalition remains the main political entity, representing the opposition, in the conduct of foreign affairs.

3. Since August 2013, the Islamic State of Iraq and Sham (ISIS) reinforced its control of captured areas in northern Syria, particularly in Al-Raqqah, Aleppo and Idlib countryside as foreign fighters continue to join its ranks. ISIS, an Al-Qaeda affiliate, runs areas under its control through local administrations governed by the strict application of Sharia Law. Those areas are meant to form the foundation of a future Islamic state extending beyond Syria's borders. Over past months, restrictions on civil liberties tightened while human rights violations significantly increased in these areas under the group's control. With the surge of the influence of radical groups, including ISIS, the foreign policy of regional and international actors, is increasingly geared towards addressing the rising threat of extremism.

4. In the Syrian Kurdish regions, this dynamic led to an open conflict between the Salafi Jihadi and Kurdish groups. A PYD-led coalition established an interim Kurdish administration with municipal councils in three provinces, Jazirah, Ayn Al-Arab and Afrin in January 2014. Alongside the KNC's inclusion in the Coalition, both have engaged in policy discussions within the framework of the Supreme Kurdish Council under the auspices of the Kurdish Regional Government in Iraq.

5. The intensity of the conflict reached the threshold of a non-international armed conflict by February 2012 with significant local, regional and international implications. Lebanon's domestic dynamics have been seriously affected by the war in Syria. Political polarization has markedly increased against the backdrop of local parties' conflicting positions on the Syrian conflict. Hezbollah's subsequent direct military involvement on the side of the Government and the mobilization of Sunni fighters to join the ranks of armed opposition groups in Syria aggravated existing sectarian tensions.

6. By the end of 2011, regional cleavages were evident through the positions of various Governments and regional actors either in support of the Syrian Government or the opposition. This regional dynamic increasingly defined the military and political conduct of warring parties and complicated the prospect of a peaceful settlement. On the international stage, differences among the five permanent members of the Security Council prevented an effective approach towards resolving the conflict.

7. The chemical weapons attacks in Damascus governorate on 21 August 2013 and their aftermath have altered the course of international diplomacy vis-à-vis the conflict. As consensus for military action against the Government faltered, a framework agreement was reached between the United States and Russia for the destruction of the Syrian chemical stockpile on 13 September 2013 through Security Council Resolution 2118. Cooperation between the two Governments to broker the agreement signaled a closer approach on the Syrian conflict, particularly on the need for a political settlement. This was a significant departure from their previous positions. International consensus on dealing with the Syrian chemical threat and the need for political settlement led some countries in the region to moderate their approach towards the crisis and accelerated the diplomatic momentum towards the Geneva 2 talks.

8. Despite internal dissension, the Coalition voted in favour of participation in the Geneva II talks which started on 22 January 2014. The basis for the talks, mediated by Joint Special Representative Lakhdar Brahimi, is the June 2012 Communiqué which calls for an immediate ceasefire; the formation of a transitional government with executive powers including representatives from the opposition and the government, maintenance of the territorial integrity of Syria and allowing humanitarian access among other aspects. The nature of the transitional Government and the lack of effective means to enforce a ceasefire on the ground remain serious obstacles. Despite serious impediments, the talks represent the most serious diplomatic initiative so far to resolve the conflict. Emphasis on the need for a political settlement is consistent with the Commission's longstanding position, specifically that there is no military solution to the conflict and that it is only through an inclusive Syrian dialogue that a peaceful transition can be attained.

Humanitarian context

9. Nearly nine million people, more than a third of the population, have fled their homes since March 2011. Of these, over 2.4 million are refugees in neighbouring countries, stretching hosting communities to their limits. One-fifth of Lebanon's population are Syrian refugees. In Jordan, Zaatari camp has become one of the country's largest "cities". Thousands of Syrians are also trying to cross from Egypt or Libya to Italy. Hundreds have perished at sea.

10. An estimated 6.5 million Syrians are internally displaced. Of concern is the situation of approximately 250,000 persons who remain trapped. A third round of vaccinations in response to a polio outbreak was carried out in January 2014, reaching more than two million children. The provision of assistance is, however, increasingly manipulated by all sides, in breach of the principle of non-discrimination. Humanitarian actors continue to work in dangerous conditions across the country.

11. Economic sanctions imposed by some Member States adversely affect the socioeconomic situation. The Syrian Pound has been devalued by over 50 per cent since the outbreak of the crisis. Prices for basic items have risen sharply. Many families are living in abandoned buildings, schools or in makeshift shelters, without sufficient food, water or medicine. Health and sanitation services have deteriorated, leading to the spread of communicable diseases.

12. The second International Pledging Conference for Syria was held in Kuwait City on 15 January 2014. Donors are encouraged to fulfil the \$2.4 billion (of the \$6.5 billion appeal) pledges to help UN agencies and partners provide aid to Syrians affected by the conflict.

Anexo III

[Inglés únicamente]

Specific mandate on massacres

1. The Commission continued to carry out its special mandate to investigate all massacres.^a The Commission has not been granted access to conduct investigations on the territory of the Syrian Arab Republic. This has severely hampered its efforts to establish the circumstances of a number of alleged massacres to its evidentiary standard. In many parts of Syria, communication lines, including phone and internet, have been restricted or cut. In the incidents described, the intentional mass killing and identity of the perpetrator were confirmed to the commission's evidentiary standards.

Government forces and pro-Government militia

Qarfah Village, Dara'a, 6 June 2013

2. On 6 June 2013, Government forces and armed men in plain clothes executed five civilians, including a four-year-old girl during an incursion into a private house in Qarfah village. Government forces raided the house after arresting and killing a male member of the family at a military position in Izraa, on the suspicion that he was a member of a non-State armed group.

Al-Zarra, Tal-Kalkh area, Homs, 15 July 2013

3. On 15 July 2013, seven members of a local Reconciliation Committee in the village of Al-Zarra were shot dead by local pro-Government Popular Committee members from a neighbouring Alawite village. The victims were unarmed civilians. Among them were two retired Syrian army officers and a former mayor of a village in the area.

4. The Reconciliation Committee members were killed as they were accompanying unarmed rebels on their way to the State police station in Talkalakh, in order to facilitate their surrender. Their convoy was ambushed near an army checkpoint and attacked by Popular Committee members from a neighbouring village. Neither the Reconciliation Committee members nor those being escorted were carrying arms.

Karnaz, Hama, 26 September 2013

5. On 26 September, eight members of a family were killed in their home by Government forces and pro-Government militia. The massacre occurred as Government forces raided the house in order to confiscate agricultural goods, on the suspicion that they were being used to feed armed opposition fighters. When the mother in the family refused to hand over the foodstuffs, Government forces killed the woman and seven family members.

Non-State armed groups

Jamlah Village (Dara'a), 3 March 2013

^a See A/HRC/22/59, para 42.

6. On 5 March 2013, the Yarmouk Martyrs Brigade executed nine members of the Syrian armed forces who had been captured and were hors de combat. The troops were detained during an attack on a military position in Jamlah village. The captured soldiers were subsequently executed by gunfire.

Khan Al-Assal, Aleppo, 22-23 July 2013

7. On 22 and 23 July NSAGs captured and executed more than 50 government soldiers and a number of civilians during an attack on the town of Khan al-Assal, outside Aleppo. Video material collected online indicates that the detainees were executed by gunfire after their capture by members of the Ansar al-Khilafa Brigade.

Al Hiffa region, Latakia, 4-5 August 2013

8. During the first week of August 2013, more than 100 civilians were killed during a military operation conducted by non-State armed groups. The killings occurred in the context of a military attack that started on 4 August 2013, in which a number of non-State armed groups participated. The operation targeted a cluster of Alawite villages in Al Hiffa, and was referred to by some groups as Operation Liberation of the Coast, or Campaign of the Descendants of Aisha the Mother of Believers by other groups. The main participating non-State armed groups in the operation were Jabhat Al-Nusra, Suqor Al-'Iz, Ahrar Al-Sham, Liwa' Al-Mouhajireen and Harakat Sham Al-Islam, as well as Soqoor Al Sahel Brigade and Western Central Front of SMC. Small local groups from local Sunni villages also participated.

9. Non-State armed groups first attacked a military position on a hilltop around 500 meters from the villages. The position was equipped with tank, rocket launcher and other heavy weaponry, and had been used to fire artillery on the opposition held town of Salma and other areas. After capturing this and other military positions in the area, the fighters moved to attack the nearby villages, including Inbatah, Al-Hamboushiyah and Blouta, in some places engaging Syrian forces in combat, but also firing indiscriminately at civilians and civilian houses. Civilians were killed during this assault, while others were killed while escaping.

10. The victims included men, women and children. During the attack, armed non-State groups also abducted an estimated 200 women and children. Their whereabouts remain unknown. The discovery of mass graves was reported after Government forces regained control of the villages around 16 August 2013. Victims were killed by gunshot or by sharp objects. Several bodies were decapitated, burned or otherwise mutilated.

11. Statements from participating commanders as well as material available online strongly suggest that this specific operation received a financial contribution of 400,000 Euros from an identified individual. A second person of unknown nationality contributed 150,000 Euros to the operation.

Al-Madmouma, Idlib, 26 August 2013

12. On 26 August 2013, several members of a non-State armed group affiliated to Ahrar Al-Sham, attacked the village of Al-Madmouma, near Ma'aret Al-Nu'man. During the night, armed men entered a house and killed 16 civilians, including six children, three women and two elderly men. The killings occurred in the context of disputes between the group and a tribe present in the area.

Maksar Al-Husan, Homs, 10 September 2013

13. On 10 September 2013, 18 civilians were killed in Maksar Al-Husan in the context of a military campaign against a group of three Alawite villages nearby. Non-State armed groups affiliated with Jabhat Al-Nusra and Ahrar Al-Sham Movement conducted the assault. Victims included several elderly women and men, as well as children.

Deir Attiya, Damascus, 20 November 2013

14. Nine medical staff at Basil State Hospital in Qalamoun were taken hostage and killed by members of Islamic State of Iraq and Al-Sham (ISIS) and Al-Khadra Battalion. The killings and the attack on the hospital occurred in the context of an assault against several locations and positions in Deir Attiya city. Government sources reported to have retrieved the bodies of the victims after Government forces regained control of the hospital on 13 November 2013.

Sadad, Homs countryside, 21-28 October 2013

15. On 21 October 2013, multiple non-state armed groups, including Al-Islam Shield battalions affiliated to Maghawir Forces and Jabhat Al-Nusra launched an attack on Government forces based in the Christian town of Sadad. A number of civilians were killed during the ensuing clashes. The perpetrators of the killings have not been established in each incident.

16. Two elderly civilians were shot and killed by members of a non-State armed group. Members of the police force were also killed. Four elderly women were reportedly found shot dead in an area controlled by the armed groups. All killings took place in close quarters.

Unknown perpetrator**Sadad, Homs countryside, October 2013**

17. On 21 October 2013, multiple non-state armed groups launched an attack on Government forces based in the Christian town of Sadad. On 28 October, Syrian Government forces regained full control of Sadad. An entire family, a woman, her two young children, two elderly parents and her mother in law, were later found dead in a well. One of the victims was handcuffed with his arms behind his back and had been gagged with a cloth. All six civilians had been shot in the head. The area in which the victims were found dead had been under the control of the Government. Non-state armed groups had been positioned in a school near the family's home.

Anexo IV

[Inglés únicamente]

Without a trace: enforced disappearances in Syria

I. Introduction

1. Women, standing outside detention centres and holding photographs of their disappeared male relatives, have become an enduring image of suffering in Syria. It is an image which speaks to the essence of the violation of enforced disappearance: the taking of a loved one, the desperate search for information through official and unofficial channels, and the torment of those left behind. Those who wait are often the only visible trace of the violation.

2. An enforced disappearance is an arrest, detention or abduction, followed by a refusal to acknowledge the deprivation of liberty or by the concealment of the fate or whereabouts of the disappeared. Cases of enforced disappearances were first documented by the Commission of Inquiry on the Syrian Arab Republic during the pro-democracy protests in March 2011. As the unrest devolved into an armed conflict, the investigation covered practices related to enforced disappearances perpetrated by all parties to the conflict. Investigations uncovered a consistent country-wide pattern in which people – mainly adult males – have been seized by the Syrian security and armed forces, as well as by pro-Government militias, during mass arrests, house searches, at checkpoints and in hospitals. In some instances, the disappearances appeared to have a punitive element, targeting family members of defectors, activists, fighters as well as those believed to be providing medical care to the opposition.

3. Over the last year, specific anti-Government armed groups have begun to abduct certain categories of civilians and hold them hostage. Persons perceived to be supporting the Government, human rights defenders, journalists, activists, humanitarian workers, and religious leaders have been seized by various armed groups and held under the threat of death until their release was negotiated for ransom or a prisoner exchange. Hostage-taking is a war crime, characterized by coercion and the infliction of a threat until the demands of the captor are met.

4. In contrast, enforced disappearance –the subject of this paper– is a denial of the very existence of its victims, placing them outside the protection of the law. Authorities across Syria have refused to provide information about the fate or whereabouts of disappeared. In some instances, there appeared to be a policy of not providing such information to families. Many of those interviewed were too frightened of reprisals to make official inquiries. In some cases, relatives who approached the security services were themselves arrested. The Government has perpetuated a system of arrests and incommunicado detention that is conducive to enforced disappearances. There is also evidence that some anti-Government armed groups have adopted practices that could be considered tantamount to enforced disappearances. This paper charts the major trends and patterns of this phenomenon in Syria from March 2011 to November 2013 and draws from numerous first-hand interviews conducted by the Commission over this period. The Commission regrets that it was not able to access the country. This limited its ability to investigate inside Syria, especially cases of anti-Government armed group abuses.

5. The practice of forcibly disappearing persons is prohibited under customary international humanitarian law, binding all parties to the conflict in Syria. The definition of an enforced disappearance is set out in the United Nations Declaration for the Protection of All Persons from Enforced Disappearance and the International Convention for the Protection of All Persons from Enforced Disappearance, which crystallises custom. Under international human rights law, an act of enforced disappearance is committed by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, thus resulting in a human rights violation. In the context of international humanitarian law, this requirement must be interpreted to include agents of non-State actors, in order for this prohibition to retain significance in situations of non-international armed conflict such as Syria.

6. Under international human rights law, the prohibition of enforced disappearances is a non-derogable State responsibility. No legitimate aim or exceptional circumstances may be invoked to justify the practice of enforced disappearance. When perpetrated as part of a widespread or systematic attack against a civilian population, with the intent of removing a person from the protection of the law for a prolonged period of time and pursuant to or in furtherance of a State or organizational policy, enforced disappearances can amount to a crime against humanity incurring individual criminal responsibility. Enforced disappearances are continuing human rights violations and crimes, persisting for many years after the initial deprivation of liberty.

7. The Criminal Code of the Syrian Arab Republic does not criminalise enforced disappearances as an autonomous crime. Any act of enforced disappearance violates a number of fundamental rights enshrined in the 2012 Syrian Constitution, the Arab Charter on Human Rights and the International Covenant on Civil and Political Rights, to which Syria is party. These rights include the right to liberty and security of persons, the right not to be arbitrarily detained, the right not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment, the right to a fair trial and the right of all persons deprived of their liberty to be treated with humanity and with the inherent dignity of the human person. Enforced disappearances also violate and imperil the right to life.

8. Enforced disappearance, by definition, requires an absence of information about the fate or whereabouts of a loved one. Investigating this violation presents unique challenges as physical evidence is elusive or entirely absent. It can be years before the fate of the disappeared person comes to light, if ever. The truth regarding the fate of the many disappeared in Syria and the extent of the phenomenon of enforced disappearance will likely only fully be grasped in the aftermath of the conflict.

9. The victims of this violation number far beyond the individuals disappeared. The families and loved ones of those disappeared endure a mental anguish that amounts to a further violation of their human rights. It is a continuous violation that remains unabated until the fate of the disappeared is uncovered. To forcibly disappear a person is to negate their being and deny their relatives' right to know the truth.

II. The deprivation of liberty: a targeted campaign

10. Enforced disappearances have been carried out since the beginning of the uprising in Syria. Most disappearances were perpetrated by intelligence and security officers, as well as by the Syrian army, sometimes in conjunction with pro-government militias acting on behalf of the Government. In all the cases documented, the perpetrators operated with impunity.

11. The violation of enforced disappearance is often a gateway to the commission of other offences, most particularly torture. Survivors of enforced disappearances consistently

described being subjected to torture during their detention. In all the instances documented, the victims were denied their fundamental right to due process. They were deprived of contact with the outside world, including close relatives. No legal assistance was provided. They were placed outside the law, at the mercy of their captors.

A. Silencing the opposition

12. Consistent accounts indicate that in the early days of Syria's unrest, enforced disappearances were employed by the Government to silence the opposition and spread fear amongst relatives and friends of demonstrators, activists and bloggers.

13. Military commanders undertook a coordinated policy together with intelligence agencies to target civilian protesters through mass arrests and enforced disappearances in 2011 and early 2012. A former officer of an army brigade operating in Al-Waer in Homs stated that during the army operations in Bab Amr in January 2012, soldiers attacked protesters in the streets while intelligence officers systematically arrested all those who were not killed. Following the attacks against demonstrators, the same brigade carried out house raids, jointly with intelligence officers, indiscriminately arresting more individuals. Their families were never informed of their whereabouts.

14. One survivor, arrested by the Air Force Intelligence in March 2011 after taking part in a demonstration, was transported to the Mezzeh Airport Prison, where he was interrogated and tortured. Subsequently, he was transferred to the premises of the Air Force Intelligence, where a high-ranking officer openly threatened to kill him should he participate in further demonstrations. Throughout his ordeal and despite repeated attempts to locate him, his family was never notified of his arrest, detention and whereabouts.

15. Another interviewee who, together with his cousin, participated in protests in Jisr El Shoughour, Idlib in June 2011, reported that security forces raided his cousin's house shortly after the demonstration, and abducted him from his bed. His cousin was taken to an unknown location and his whereabouts were never disclosed. The interviewee said "on more than one night, my daughter woke up after she heard her mother crying. Every night, we thought that the security services were coming to get us".

16. Consistent testimonies reveal a pattern; the vast majority of those disappeared in 2011 and early 2012 were young men. A man, who defected from the political security branch of Aleppo in March 2012, reported that officers received orders to arrest every young male and adolescent between 16 and 40 years old that participated in demonstrations.

17. The available accounts indicate a policy targeting civilians executed through various organs of the Syrian Government, aimed at stifling the protest movement. Enforced disappearances were employed to instil fear, oppress and assert control over persons taking part in demonstrations against the Government and were undertaken during coordinated attacks on the civilian population.

B. Enforced disappearance as reprisals and punishment

18. In certain cases, enforced disappearances had a strong punitive element, targeting those perceived to be either supportive of the opposition or insufficiently loyal to the Government.

19. Several interviewees indicated that soldiers who refused to execute orders or were suspected of harbouring opposition sympathies were subjected to reprisals, including disappearance. A former army conscript, who operated in the town of Tseel in Dara'a in

November 2011, revealed that four of his fellow soldiers were arrested by their superiors after they refused to open fire on a group of peaceful demonstrators. The interviewee never saw them again, inferring that insubordination was punished by disappearance.

20. Relatives of those individuals wanted by the Syrian security apparatus have also been victims of enforced disappearances. A young man, who defected from the Republican Guard in June 2011, explained how his superiors came to his village in Dara'a, three weeks after his defection. They arrested his younger cousin, in an apparent reprisal. His cousin was taken to an unknown location and his fate never uncovered. Another protester reported that after he participated in several peaceful demonstrations in Dael, Dara'a, in March 2011, agents of the Political Security raided his house and forcibly disappeared one of his brothers. He stated plainly, "my brother was probably detained because of me". He believed that his brother's abduction was aimed at instilling fear in the relatives of protesters to deter them from participating in demonstrations.

21. Doctors were disappeared as punishment for their perceived support of anti-Government armed groups. An employee of Zarzor hospital in an anti-Government armed group-held part of Aleppo testified about a series of disappearances targeting medical personnel carried out by the Aleppo Air Force Intelligence between June and December 2012. These disappearances appeared to be aimed at punishing doctors who provided medical services in opposition areas, and deterring others who would consider doing the same.

C. A tactic of war

22. As the unrest devolved into a full-blown conflict, those affiliated or perceived to be affiliated with anti-Government armed groups became targets for disappearance. The initial arrests and abductions most often took place during Government searches of restive areas or at the checkpoints encircling those localities.

23. Bab Amr was the scene of mass arrests and disappearances during ground attacks by Government forces between February and May 2013. In March 2013, clashes between the Free Syrian Army and the national army broke out in the Homs city neighbourhood of Bab Amr. Aided by pro-Government militias, the army raided Bab Amr and abducted several residents whose location and fate remain unknown. In May 2013, campaigns of arrest took place in Hama, many of those taken remain disappeared.

24. Men were also abducted at checkpoints manned by Government-affiliated militias and popular committees. One eyewitness described how his neighbours were arrested at a checkpoint controlled by what he believed to be *shabbiha*, in Al Ghantoo, Homs, on 4 April 2013. Men wearing civilian clothing stopped their car and arrested a man. He was subsequently taken to an unknown location. His family does not know where to look for him. On 8 June 2013, a family of internally displaced persons was trying to make their way into Jordan when military forces positioned in the Al-Waer neighbourhood of Homs stopped their car at a checkpoint. The husband was arrested and taken to an unknown location, while his wife and children were ordered to return to their hometown, despite on-going violence. He has not been seen or heard from since.

25. As noted in "Assault on medical care in Syria" (A/HRC/24/CRP.2), wounded civilians perceived to be affiliated with the opposition are being disappeared from hospitals. This alarming phenomenon has significantly increased over the past months. An interviewee from Nabak, Dara'a governorate, explained that due to a lack of medical facilities in FSA-controlled areas, injured civilians were forced to go to governmental hospitals, where many disappeared between April and May 2013.

Without a trace

26. Defectors who participated in mass arrests as well as survivors revealed that in the majority of cases, the officers in charge of the initial arrest took the abductees to the premises of their respective security or military branches. Despite the organised nature of the arrests and detentions, authorities often failed to record the personal details of detainees, including those who died in detention, making it difficult to trace them and inform their families. The family of a person arrested in Idlib in September 2011 attempted to determine his whereabouts. The interviewee described how “Wherever they searched, the authorities said that his name was not recorded”.

27. A defector told of a mass arrest in Jisr Al Shoughour, Idlib in June 2011, where those detained were taken to a school that was used as an ad hoc detention facility. There, detainees were subjected to painful and humiliating physical treatment. Their names were never registered rendering any attempts to determine their whereabouts futile. In late August 2011, officers of the Military Security in Latakia arrested four family members of an interviewee and took them to an unknown location. Three weeks later, a young man who was arrested together with the interviewee’s cousins informed him that his relatives had been transferred to the military hospital of Latakia. Upon inquiry, it was discovered that their names never appeared in the hospital’s registry.

Anti-Government armed groups

28. In 2013, specific anti-Government armed groups adopted a practice of hostage-taking, targeting civilians perceived to be supporting the Government, human rights defenders, journalists and religious leaders. The emergence of a pattern of abductions and arbitrary deprivation of liberty has characterized the ever-growing presence of certain armed groups, particularly in northern Syria.

29. The fear of such kidnappings and hostage-takings has gripped the civilian populations living under the control of certain armed groups. The perpetrators seize, detain and threaten to kill their victims in order to coerce a third party – whether the families of the kidnapped, their communities or the Syrian authorities – to fulfill their conditions for the release of the hostage. Such acts, motivated by material gain and extortion, intimidate and coerce the families of the kidnapped and their communities.

30. Hostages are taken with the intent to instrumentalise their liberty and security for ransom or prisoner exchange. Such offenses leave families in a state of uncertainty regarding the whereabouts of their relatives, but do not amount to enforced disappearances as the fate of the victims is not denied or concealed. In the current context in Syria, such conduct may amount to war crimes.

31. Information collected in recent months indicates that opposition armed groups such as the Islamic State of Iraq and Al Sham (ISIS) have taken control of territory in northern Syria and begun to adopt practices, such as incommunicado detention, that may lead to disappearances. In one incident, armed men believed to be members of ISIS were reported to have abducted two civilians on grounds of non-adherence to their interpretation of Islamic dress code. The group later denied holding them in captivity. The whereabouts of the detainees remain unknown.

III. Not knowing: the enduring agony of Syrian families

32. The victims of enforced disappearance are not only those who have been disappeared. Enforced disappearances wreak havoc on families, tearing the social fabric of entire communities. Perpetrators intentionally create a paralysing uncertainty that leaves families hanging between hope and despair. Not knowing whether their loved ones are dead and, if so, what has happened to their bodies, they can neither mourn nor adjust to their loss.

A. A climate of fear

33. Enforced disappearances are characterised by situations where family members fear retaliation if they question the authority of the disappeared person's captors. Where the State maintains a climate in which family members are too intimidated to inquire about detentions by security services, this is tantamount to a refusal or a denial of the person's fate.

34. In Syria, silence and fear shroud enforced disappearances. In several cases, individuals who reported a disappearance were themselves detained. The mother of two young men who disappeared in Idlib in June 2011 reported that her eldest son was arrested when he inquired at the Idlib Military Security Branch about the whereabouts of his brothers. He never returned. One interviewee further reported that while detained in Homs prison in 2012, she met a 60 year-old woman who had been arrested after she went to the Homs Security Branch to inquire about the fate of her disappeared son.

35. The result of such a climate of fear is that only a fraction of the number of disappearances is officially reported because relatives of those disappeared fear being targeted and punished by the authorities.

36. In the overwhelming majority of cases, when asked whether they inquired about the disappearance of their relatives, interviewees reported that they could not approach the authorities because of a well-founded fear of reprisal. Families revealed that attempts to locate their relatives would expose them to a fate similar to their loved ones and may subject the disappeared to greater danger. A young man whose brother disappeared in December 2012 in Homs explained, "Families constantly pray for their relatives, but will not risk sending another family member to detention." Another interviewee, whose son was arrested during a house search by Military Security officers in late October 2012 in Damascus, stated that he did not go to the Military Security branch himself, as he feared that by requesting information, he would also be arrested.

37. Reporting on the arrest of his cousin by pro-Government militias and Air Force Intelligence officers in December 2012 in Nabul, Aleppo, an interviewee explained, "If you go to the branch to ask about detainees, they will interrogate you. If you are a man, you will be tortured and detained too. If you are a woman, they will harm you and might detain you instead."

B. A policy of concealment

38. Syrian families are in desperate need of official acknowledgment of what has happened to their relatives. An indication of this desperation are the 30 requests seeking official information from the Government, filed by Syrian families to the United Nations Working Group on Enforced or Involuntary Disappearances, over the course of 2012 (A/HRC/22/45).

39. Those who dared to approach the authorities to inquire about a loved one faced a systematic refusal to disclose the fate or whereabouts of the disappeared or to even acknowledge the deprivation of liberty. One survivor, who was arrested by pro-Government militias and Air Force Military Security officers in Latakia in July 2012, recalled the shock of his family upon his release, “No one informed my family about my detention; no one would dare ask the Air Force Military Security about their relatives. If you asked, no one would tell you.” A relative of a man arrested in Naime, Dara’a, in 2011 stated, “His mother searched everywhere, but received no information from anyone”.

40. The brother of a former Syrian Air Defence Force officer reported that after he decided to defect, in December 2011, his brother called his family expressing serious fears of being arrested or punished. This phone call was the last anyone heard of him. The interviewee explained that his family repeatedly approached all Syrian security services, including the Air Force Intelligence, the police, the army, and the state security services. He further described how they had to use intermediaries to approach the Air Force Intelligence, whose officers were instructed to fire upon anyone who came within 300 metres of their building. Despite the measures taken by the interviewee and his family, each security apparatus denied any knowledge of the arrest, detention or whereabouts of his brother.

41. A doctor who survived a disappearance in 2011 explained that after months of searching, his family managed to locate his place of detention. However, when they directly inquired to the authorities administering the detention facility, the authorities denied that their relative was held there.

42. In a revealing account, a man who defected from the Hama Air Force Intelligence at the end of 2012, described orders he received not to provide information about the whereabouts of detainees or to speak to their relatives. He added that cameras were placed at the gates of the Air Force Intelligence premises, to monitor the officers and deter them from speaking to families inquiring about their relatives.

43. In some instances, the families only discover the fate of the disappeared when their bodies are recovered or in a minority of cases, are returned to them. However, several accounts indicate that Government forces take deliberate steps to conceal the cause and circumstances of the death, violating the families’ right to truth. Interviewees who had lost families members consistently described how their bodies were returned by Government authorities without explanation. In April 2011, a child was arrested in Dara’a, and taken to an Air Force Intelligence facility in Damascus. His family searched for their son in hospitals to no avail, fearing that he had been detained or killed. His body, bearing extensive signs of torture, was returned to his family in June 2011. No information was provided about the grounds for his detention or the circumstances of his death. The father of a young activist, arrested by security forces in late July 2012 in Latakia and whose whereabouts were unknown, received a phone call eleven days after his son’s disappearance. He was asked to go to Damascus to recover the body of his son, who, he was told, had been killed in a car accident. The body bore traces of severe torture.

C. The anguish

44. The heart of the anguish suffered by families lies in the authorities’ systematic refusal to acknowledge the deprivation of liberty or to disclose any information about the relatives. Across Syria, parents, siblings, husbands, wives, children and friends wait anxiously to know the fate or whereabouts of their loved ones. Not knowing whether the disappeared is still alive, and if so in what state of health and under which conditions, causes a level of grief impossible to convey. The secrecy surrounding the fate of the disappeared has the effect of intimidating and punishing families by leaving them in a state

of uncertainty and mental distress. This mental anguish may rise to the level of torture or inhuman treatment and makes entire families the victims of enforced disappearances.

45. The husband of a woman abducted by Military Intelligence officers in Hama in December 2011 and whose whereabouts were never disclosed, explained how traumatized his two-year old daughter has been since, “She cries when she sees a military uniform”.

46. Consistent accounts have revealed that the principal means to obtain information is when a fellow detainee is released. A man held for over a year in the Military Police Branch of Hama described, in a harrowing account, how immediately after his release in May 2013, he was assailed by dozens of women thrusting photographs of their husbands, sons and fathers towards him. Another interviewee, released after a court hearing in Damascus in August 2013, was confronted with hundreds of people waiting outside the court, begging for news of their loved ones, in the hope that he had seen them in detention.

47. The desperation of families has left them vulnerable to extortion. Some pay bribes to those who, often falsely, claim they can provide information. One interviewee reported that his cousin, who had participated in peaceful demonstrations in Latakia, was arrested mid-2011 by Government security forces and taken to an unknown location. His family was too frightened to approach the forces responsible for his arrest. Instead they paid a bribe to a person who claimed to be connected to the security forces. This middleman informed the family that the disappeared was detained in the Air Force Intelligence detention centre. Shortly afterwards, the contact revealed, for more money, that he had been killed.

48. Another interviewee reported that his cousin was arrested by security officers on his way to Damascus in September 2013 and taken to an unknown location. His family learned of his arrest from a taxi driver who witnessed it. The disappeared’s father repeatedly inquired about the fate and whereabouts of his son, to no avail. Only after he bribed one of his contacts was he able to learn that security officers belonging to the 4th Army Division had arrested his son for having published pro-opposition messages on a social media webpage. He was, however, unable to obtain any information about his son’s location or state of health. The interviewee insisted that less privileged families are abandoned to their grief, saying that it was only because his uncle “had money and contacts” that he was able to obtain some information.

49. Besides the grave emotional and psychosocial impact, families also often have to cope with the economic consequences of disappearances. The absence of the main breadwinner creates financial difficulties that add to the extreme vulnerability of families. Women and children face specific hardships. The uncertainty created by the disappearance of their husbands or fathers has social and legal consequences, including on the status of marriage, right to inheritance and social welfare, and the management of the property of the disappeared person. Children of disappeared experience acute suffering with the loss of a parent. One young woman interviewed about the disappearance of her husband stated “I do not know how to live and care for my young children without their father”.

50. Syrian authorities created a climate of intimidation such that families did not dare inquire about their loved ones or file any formal complaints, and systematically denied the disappearance or refused to disclose any information. They also violated their duty to duly investigate enforced disappearances. The Government has further violated families’ non-derogable right to know the truth regarding the circumstances of the enforced disappearance, the progress and results of the investigation and the fate of the disappeared person.

IV. Conclusions and Recommendations

51. The accounts presented in this paper only hint at the scope of the crisis of enforced disappearance in Syria and the state of fear in which ordinary citizens live.

52. Enforced disappearances are perpetrated as part of a widespread campaign of terror against the civilian population. Government forces have engaged in enforced disappearance in violation of their international legal obligations. Given the geographic spread of the documented cases and the consistent manner in which abductions and arrests are carried out, there are reasonable grounds to believe that enforced disappearances were committed by Government forces, as part of a widespread and systematic attack against the civilian population, and therefore amount to a crime against humanity.

53. The direct victims of enforced disappearances were systematically denied their fundamental human rights, more particularly their rights not to be arbitrarily detained, not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment, as well as their rights to liberty and security, to be recognized as a person before the law and to be treated with humanity and with the inherent dignity of the human person.

54. By failing to acknowledge the deprivation of liberty, the Government has violated the family's right to the truth. The ensuing mental anguish suffered may breach family members' rights not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment. Where family members have been arrested when they sought to make inquiries from the authorities, their rights to liberty and security have also been violated.

55. The absence of an autonomous definition of enforced disappearance in the Syrian Criminal Code and the lack of an official register or bureau that manages records of detainees and responds to inquiries made by relatives, contributes to a system that is conducive to enforced disappearances. Moreover, the persistent failure to notify the families of the fate or whereabouts of their loved ones coupled with the systematic practice of withholding information, reprisals, bribery or intimidation in response to the search for information by relatives, and the absence of genuine investigations into allegations of disappearances, constitute the many factors that create an environment of impunity in Syria. Such a climate not only contributes to the perpetuation of the phenomenon of enforced disappearance, but is also a major obstacle to the elucidation of its true extent.

56. International human rights law imposes on Syria the obligation to take all appropriate measures to investigate enforced disappearances and to bring those responsible to justice.

57. Disappearances are losses that cannot be mourned. They bear consequences on the individuals, their families and the community as a whole and will remain among Syria's deepest wounds. The damage inflicted upon the victims, including their relatives, is permanent and irreparable. Reconciliation cannot happen until each individual case of enforced disappearance is clarified and the perpetrators brought to justice. No statute of limitations applies to this violation. Investigating each case of enforced disappearance will remain the responsibility of the Syrian state regardless of the Government in power.

The Commission recommends that the Government of Syria:

- i. Inform families of the whereabouts of all persons in their custody;
- ii. Ensure that all those detained are registered, and afforded legal review of the grounds of their detention;
- iii. When a disappeared person is found dead, return the remains to the family and inform them of the circumstances of the death;

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- iv. Ratify the International Convention for the Protection of All Persons from Enforced Disappearance and recognise the competence of the Committee under Articles 31 and 32 of the Convention;
 - v. Ensure that all cases of enforced disappearance as well as acts tantamount to enforced disappearances are duly investigated, that those responsible are prosecuted, and, where appropriate, punished;
 - vi. Ensure that military commanders and civilian superiors enforce the prohibition of enforced disappearances within their ranks and among their subordinates;
 - vii. Ensure that those involved in the search for victims of enforced disappearance, notably the relatives, have full and unimpeded access to justice and are protected against ill-treatment, intimidation or reprisal. To that effect, effective victim and witness protection measures, offering guarantees of safety for those who wish to lodge a complaint or testify, should be established;
 - viii. Survivors and families of disappeared should also be granted reparations that include rehabilitation, satisfaction, compensation and, in particular, psychological and social support for the relatives;
 - ix. To the extent possible, special social and financial support should be provided to dependent women and children.

The Commission recommends that anti-Government armed groups:

- i. Ensure that military commanders enforce the prohibition of enforced disappearances;
- ii. Take all feasible measures to account for persons reported disappeared as a result of the armed conflict;
- iii. Provide the family members of disappeared with any information concerning their fate and whereabouts;
- iv. Register and hold all detainees in a recognized place of detention;
- v. Promptly inform the detainees of the reasons for their detention;
- vi. Ensure that any person deprived of liberty has contact with the exterior, including legal assistance.

The Commission recommends that all parties to the conflict:

- i. Maintain an updated register of all persons deprived of liberty;
- ii. Set up a process to centralize information on persons deprived of liberty, to transmit such information to their next of kin directly or through a neutral intermediary, and to respond to inquiries about the whereabouts of disappeared persons;
- iii. Ensure that any person deprived of liberty is held in a recognized place of detention and has the opportunity to challenge his or her detention before an independent and impartial body.

Anexo V

[Inglés únicamente]

Government detention centres

1. The majority of detainees interviewed by the Commission stated that they had been tortured or ill-treated during their interrogation. Methods of torture documented by the Commission were consistent across the country. They included mock executions; electric shocks applied to sensitive parts of the body, including genitals; cigarettes burns; and beating with electric cables, whips, metal and wooden sticks and rifle butts. There were multiple reports of detainees being beaten about the head and on the soles of the feet. The Commission also received reports of detainees being placed into prolonged stress positions (shabeh) and the use of vehicle tires to hold hands and feet in uncomfortable positions (dulab) while beatings were administered. In many of the interviews, scars and wounds, consistent with their accounts, were still visible.^b Detainees were denied medical care, left to die of chronic illnesses and untreated wounds and injuries. Children were often detained in the same detention facilities as adults and subject to the same levels of torture. As prisons have become overcrowded, the detention conditions have become deplorable. Sanitary facilities are limited and inadequate, spreading illnesses among detainees. Detainees are not accorded adequate food, leading to reports of starvation and malnourishment.

2. The list presented below identifies the Government detention facilities in which cases of torture have been documented. Others cases of tortures have also been documented in other locations controlled by Government forces, such as ad hoc detention places or checkpoints, which were not included in this list.

Governorate	City	Ministry	Service	Location
Aleppo	Aleppo	Ministry for Internal Affairs	Political Security Directorate	Political Security, Aleppo Branch
		Ministry of Defence	Military Intelligence Directorate	Military Security, "Palestine" Branch 235
			Air Force Intelligence	Air Force Intelligence, Aleppo Branch
Damascus	Damascus	Ministry of Defence	Air Force Intelligence	Air Force Intelligence, Damascus Branch - Bab Tuma
			Military Intelligence	Military Security, Raids Branch 215

^b Para. 77, A/HRC/20/CRP.1

			Directorate		
			Military Intelligence Directorate	Military Security, Branch 227	
			Military Intelligence Directorate	Military Security, Damascus Branch – Al Fehar	
		Ministry for Internal Affairs	General Security Directorate	State Security, Investigation Branch 285	
			Syrian Police	Criminal Division, Damascus Branch	
	Qaboun	Ministry of Defence	Syrian Army	Military Police Headquarters	
	Sednaya	Ministry of Defence	Syrian Army	Military Prison	
	Mezzeh	Ministry of Defence	Air Force Intelligence	Mezzeh Airport Air Force Intelligence Investigation Center	
			Syrian Army	Republican Guard Headquarters	
			Syrian Army	Military Hospital	
	Kafr Sousa	Ministry of Defence	Military Intelligence Directorate	Military Security, Branch 227	
		Ministry for Internal Affairs	General Security Directorate	State Security, Kafar Sousa Branch	
	Dara'a	Dara'a	Ministry of Defence	Military Intelligence Directorate	Military Security, Dara'a Branch 265
			Ministry of Defence	Air Force Intelligence	Air Force Intelligence, Dara'a Branch
		Dara'a	Ministry for Internal Affairs	Political Security Directorate	Political Security, Dara'a Branch
General Security				State Security, Dara'a	

			Directorate	Branch
			Syrian Police	Criminal Division, Dara'a Branch
	Izra'a	Ministry of Defence	Military Intelligence Directorate	Military Security, Izra'a Branch
			Syrian Army	38 th Brigade
	Gharaz	Ministry for Internal Affairs	Prison Division	Gharaz Central prison
Hama	Hama	Ministry for Internal Affairs	General Security Directorate	State Security, Hama Branch
Homs	Homs	Ministry for Internal Affairs	Prison Division	Homs Central Prison
		Ministry of Defence	Air Force Intelligence	Air Force Intelligence, Homs Branch – Bab Tuma
			Military Intelligence Directorate	Military Security, Homs Branch
			Syrian Army	Homs Military Prison
Idlib	Idlib	Ministry for Internal Affairs	Prison Division	Idlib Central Prison
		Ministry of Defence	Military Intelligence Directorate	Military Security, Idlib Branch
	Jisr Al Shughour	Ministry of Defence	Military Intelligence Directorate	Military Security, Jisr Al Shughour Branch
		Ministry for Internal Affairs	Political Security Directorate	Political Security, Jisr Al Shughour Branch
Latakia	Latakia	Ministry of Defence	Military Intelligence Directorate	Military Security, Latakia Branch

		Ministry for Internal Affairs	Political Security Directorate	Political Security, Latakia Branch
Reef Damascus	Adra	Ministry for Internal Affairs	Prison Division	Adra Central prison
	Duma	Ministry for Internal Affairs	General Security Directorate	State Security, Duma Branch
	Harasta	Ministry of Defence	Air Force Intelligence	Air Force Intelligence, Harasta Branch
		Ministry for Internal Affairs	Prison Division	Harasta Central Prison
Tartus	Banyas	Ministry of Defence	Military Intelligence Directorate	Military Security, Banyas Branch
		Ministry for Internal Affairs	Political Security Directorate	Political Security, Banyas Branch
	Tartus	Ministry of Defence	Military Intelligence Directorate	Military Security, Tartus Branch
		Ministry for Internal Affairs	Political Security Directorate	Political Security, Tartus Branch
			General Security Directorate	State Security, Tartus Branch

Anexo VI

[Inglés únicamente]

Use of barrel bombs

1. Barrel bombs, also called explosive barrels, are makeshift explosive devices increasingly employed by the Syrian Air Force against opposition strongholds in Syria.
2. The use of barrel-bombs by Government forces was first documented in August 2012 in Homs city and Al-Qusayr in Homs governorate. In September 2012, army helicopters dropped barrel bombs on opposition-controlled neighbourhoods of Aleppo city. Since then, they have increasingly formed part of the arsenal of Government forces, with devastating consequences for civilians and civilian objects.
3. Cheaper than conventional munitions and deliverable by transport helicopters, they are made from simple containers packed with explosives, scrap metal, and in many cases additional incendiary material. Locally made in different shapes, sizes and composition, they lack exact technical specifications available with conventional projectiles, in terms of accuracy and lethality. The enhanced anti-aircraft capabilities of non-State armed groups have forced Government helicopters to fly at higher altitudes, further reducing their accuracy.
4. The use of barrel bombs, in this manner, is indiscriminate. In areas where armed group fighters were present, Government forces treated clearly separate and distinct military objectives located in densely populated areas with high concentrations of civilians, as a single military objective. The use of barrel bombs in this context amounts to 'area bombardment', prohibited under international humanitarian law. Such bombardments spread of terror among the civilian population. Some barrel bombs are constructed as rudimentary incendiary weapons, causing superfluous injury and unnecessary suffering.
5. Since 15 July 2013, barrel-bombs have been dropped on civilian-inhabited areas in Idlib, Hama, Al-Raqqa, Aleppo, Dara'a and Damascus governorates. Aleppo city and Daraya in Damascus countryside suffered intense and highly lethal attacks with barrel-bombs between November 2013 and January 2014.
6. Civilians are killed in the initial blast, in the shrapnel that results and from the collapse of buildings in and around the impact site. Video footage of barrel bomb explosions and their aftermath show the loss of limbs and deep cuts as a result of shrapnel injuries. The impact of the Government's campaign of barrel-bombing of civilian-inhabited areas extends beyond mass civilian casualties.
7. The terror that the Government's barrel-bombing campaigns generate should not be underestimated. Barrel-bombs, particularly when dropped from high altitudes, cannot be properly targeted. Nor is it likely that anyone at the impact site would survive the initial blast. The Government does not provide early warning of attacks and there is little chance of being able to move from the area once a barrel bomb is released from a helicopter overhead. Victims of barrel bombs emphasized the extreme fear and mental suffering they felt as they came under attack. Survivors and witnesses consistently described that as a result of the barrel bombing campaign, much of the civilian population lived in a state of terror.

8. The impact of barrel bombs causes the collapse of buildings around its explosion, leaving neighbourhoods in ruins. Where such buildings are residences, this further contributes to the mass displacement of civilians inside Syria and over its borders.

Idlib governorate

9. On 14 July, a helicopter released three barrel bombs on Al-Bara market and residential areas in Al-Bara. The first barrel hit a truck carrying fuel, causing a massive blaze killing the driver and 5 nearby civilians. The bodies were burnt almost beyond recognition. Others sustained serious injuries, including a loss of limbs. The other two barrels hit residential buildings, destroying them but causing no casualties.

10. In the last two weeks of July, Saraqib came under intense shelling and aerial bombardment by Government forces. This attack included the heavy use of barrel bombs on 18, 19, 20, 27, 28 and 31 July. In the course of this sustained assault, scores of civilians were killed and many more injured. As buildings collapsed under the bombardments, families were buried in the rubble. In the 31 July attack, four civilians, including women and children, were killed when a barrel bomb exploded as it struck their house.

11. Throughout August, the Jabal Al-Zawiya region in southern Idlib countryside was bombarded by barrel-bombs. In two separate instances in August 2013, army helicopters dropped barrel bombs into villages populated by significant numbers of civilians. In the first attack, taking place in the second week of August, two children and a woman were seriously injured. One of the children lost a limb to shrapnel. In the second attack, which took place days later, the bomb hit a residential building. The building was flattened and its occupants, a family of 6 children and their parents, were killed.

12. On 3 August, shortly before the breaking of the Ramadan fast, a helicopter dropped five barrels bombs on civilian houses in Balyoun village. The impact killed a 40-year-old woman and injured three others, including a three-year-old boy. Three buildings were flattened. Two days later, on 5 August, several barrel bombs were dropped on the market in Balyoun, killing 20 people outright and injuring dozens. An unknown number of additional civilians were killed when the building collapsed on them due to the force of the blast. A large number of houses were destroyed, further fuelling the displacement of residents to other areas.

13. On 18 August, two barrel bombs were released over Bdama, a town to the south-west of Jisr Al-Shughour near the Turkish border. The first hit a residential neighbourhood, killing four civilians including two boys, aged 13 and 7 years. An unspecified number of people were injured and there was significant property damage. The second hit civilian homes in a nearby neighbourhood, killing at least 5 and severely injuring 20 people. Further casualties resulted from the collapse of houses near the impact site.

14. On 25 September, barrel bombs were dropped on Maarat Hurmah from a helicopter hovering high overhead. The village lies 13 km south of Ma'rat Al-Numan. Six people were killed, including three women and two children.

15. On 8 October, a Government helicopter dropped a barrel bomb on Bizabur, a village just south of Ariha. In the same month, Government forces used barrel bombs on Al-Hobait in southern Idlib. In one attack, the bomb landed on a family home, killing a woman, her two teenage daughters and two sons.

16. On 11 October, the Government launched a barrel bomb attack on Kansafra, a town with approximately 30,000 inhabitants, situated 20km west of Maarat Al-Numan. The explosion, the shrapnel generated and the collapse of approximately five building caused mass civilian casualties.

Hama governorate

17. Government helicopters, flying at high altitudes, dropped barrel bombs on towns and villages inhabited by civilians in Hama governorate. On 9 August, the Government targeted Al-Hawwash with barrel-bombs, causing significant civilian death and injuries. On 14 October, on Eid Al-Adha, Government helicopters launched six aerial strikes, dropping barrel bombs on each occasion. Two people were killed, including one child while 20 were injured. The next day, helicopters targeted Al-Latamneh with three barrel bombs. One hit a house, killing three children from one family.

Al-Raqqah governorate

18. Government helicopters dropped barrels bombs on Al-Raqqah city in July and August 2013. In all instances documented, there were significant civilians casualties, a high proportion of which were children.

19. On 30 July, shortly before the breaking of the Ramadan fast, a helicopter flew over the Al-Raqqah city twice, dropping two barrel bombs in each sortie. The residential areas of Ta'meer and Badow were hit, killing 13 civilians including 7 children and 3 women. Twenty people were injured and there was significant damage to houses.

20. On 2 August 2013, a helicopter dropped two barrel bombs in two consecutive raids on residential areas. While one hit a vacant park, the other struck a residential building, killing a woman and her brother. Thirty-two others were injured.

21. On 10 August, four barrel bombs were dropped on residential areas, again in Al-Raqqah city, killing 36 people and injuring many more.

Aleppo governorate

22. The campaign of shelling and aerial bombardment of Aleppo governorate has been prosecuted with shocking intensity. The Government's on-going campaign has made liberal use of barrel bombs on Al-Safirah in September and on Aleppo city and the Al-Bab region in particular, between November 2013 and January 2014.

23. Al-Safirah, a town 25 kilometres east of Aleppo city, is home to a large number of internally displaced persons, many of whom live in a camp on the outskirts of the town. In early September, Government helicopters released several barrel bombs over Al-Safirah and its IDP camp. While rebel fighters were present in the town and numbered among the casualties, the majority of those killed were civilians. The shelling and bombardment, including with barrel bombs, continued into October. On 20 October, civilians fleeing the town were killed in barrel bomb attacks on their vehicles.

24. Barrel bombs were dropped by Government helicopters on Aleppo city throughout November and December. Attacks have continued into January 2014. Use of barrels bombs in Aleppo city was documented as taking place on 23 November, on 9, 16, 17, 20, 24, 28 December and on 1 January 2014. Across the span of these attacks, several hundred of civilians have been killed, many of them children.

25. On 23 November, a helicopter targeted Al-Marjeh neighbourhood in Aleppo city with three barrel bombs. Twenty-eight people were killed and 25 others were injured. All the victims were civilians. Ten civilian homes were also destroyed. On the same day, barrel bombs exploded in a vegetable market in Tariq Al-Bab neighbourhood, killing 25 civilians, many of them women and children. The blast caused a fire which led to further civilian casualties and injuries.

26. On 9 December, a barrel bomb exploded near to a school and a medical point in Al-Zabedia neighbourhood. At least four people were killed, including a pregnant woman. All victims were civilians.
27. On 17 December, Government helicopters targeted civilians gathering in a crowded market in Al-Maadi neighbourhood. Twenty people were killed, including three women and five children. Some survivors lost limbs.
28. On 20 December, a barrel bomb was dropped on a family home in Al-Sukkari neighbourhood. Five civilians were killed including one woman and two children. At least forty were injured including a five-year-old boy. Due to shrapnel injuries to the head, the boy now has limited ability to move and speak. Ten residential buildings were destroyed.
29. Again on 24 December, multiple barrel bombs struck Al-Sukkari neighbourhood. The bombs fell on residential areas and the shopping district. At least 30 people were killed and more injured. Twelve residential building collapsed. One bomb hit a gas station, causing deaths by burning as well as serious injuries. Another bomb hit a mosque where children were receiving religious instruction. Consequently many children were killed.
30. At noon on 28 December, a Government helicopter released multiple barrel bombs over Al-Myasser neighbourhood. One of the injured was a 14-year-old boy who received shrapnel injuries to the head. He underwent an operation to remove the shrapnel from his brain but this proved unsuccessful. Consequently, the boy has lost the ability to speak and is partially paralysed. In a separate barrel bomb attack, helicopters dropped barrel bombs on a vegetable market, while civilians sought to buy food. Over 25 people were killed.
31. On 1 January, a helicopter also dropped barrel bombs on Al-Sukkari neighbourhood. The bombs landed in the main shopping area, killing 20 people and injuring many others. Commercial premises were destroyed.
32. Barrel bomb attacks occurred in Al-Bab on 30 November, 1 December and 12 January 2014.
33. Government forces dropped barrel bombs on other civilian-inhabited towns and villages in Aleppo governorate. On 21 November, a helicopter dropped barrel bombs on Souran, killing 14 civilians, including women and children. At least one man, a passenger in a car, lost his leg in a shrapnel injury.
34. On 23 November, helicopters targeted the industrial zone of Sheikh Najar with barrel bombs. Three people – civilian workers – were killed. There were an unspecified number of injuries as well as significant destruction of property. On the same day, helicopters released barrel bombs over Tadeef, south of Al-Bab city killing 15 people. Children were among the dead. One bomb struck a fuel seller. The ensuing blaze burnt people to death and caused serious burns to survivors.
35. On 28 November, a Government helicopter dropped barrel bombs over Dawar Qadi Askar during the day when people were out shopping. At least 14 people were killed including children and one pregnant woman. The barrel bombs caused a residential building to collapse and severed the main water supply line.
36. On 19 December, a nine-year-old girl lost both of her legs in a barrel bomb attack on Hreitan. The girl was playing with some other children on the roof of her apartment block when they heard the sounds of a helicopter overhead. The helicopter was flying too high to be visible. While the other children ran, the girl was the last off the roof and lost her limbs in a shrapnel injury. On the same day, in a barrel bomb attack on Minbij, five civilians, including three children, were killed and nine were injured. A residential building and several cars were also destroyed.

Dara'a governorate

37. December 2013 and January 2014 saw an increase in the use of barrel-bombs.

38. In mid-December, a warship helicopter dropped barrel bombs on Jasem city, killing over twenty civilians. On 3 January 2014, barrel bombs were dropped from helicopters on residential areas in Inkhil and Jasem, following an attack by armed group fighters' on an army checkpoint.

Damascus governorate

39. January 2014 saw a dramatic increase in the use of barrel-bombs on Damascus governorate, with Daraya being particularly hard hit.

40. On 7 January 2014, barrel bombs killed an unspecified number of civilians in Douma, a suburb of Damascus city. On 14 January, Government helicopters dropped barrel bombs on civilian-inhabited areas in Daraya, Arbin and Zabadani, all in the Damascus countryside. This campaign is ongoing.

Conclusion

41. Government forces consistently failed to employ precision weapons when attacking targets in dense urban areas. Repeatedly throughout the reporting period, they deployed highly imprecise munitions with an expansive impact zone. Inevitably, these weapons killed and injured large numbers of civilians. Such weapons included barrel bombs.

42. Where barrel bombs were built as de facto incendiary weapons, they also violated rules of international humanitarian law prohibiting the use of weapons that cause superfluous injury, unnecessary suffering or that are indiscriminate by nature.

43. Government helicopters dropped barrel bombs in the hours before break of fast during Ramadan, on fuel depots, and on busy market areas. The information strongly indicates that the manner in which the attacks were carried out, the timing and duration of the attacks demonstrates that the aim of the Government's campaign of barrel-bombing was to terrorise the civilian population present in the areas attacked, with the clear message that no civilian was safe anywhere at any time of the day or night.

Anexo VII

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Assaults on medical care

I. Introduction

1. The deliberate targeting of hospitals, medical personnel and transports, the denial of access to medical care, and ill-treatment of the sick and wounded, has been one of the most alarming features of the Syrian conflict. According to multiple accounts collected by the Commission of Inquiry, Government forces and affiliated militias interfere with and instrumentalise medical care to further strategic and military aims. Evidence collected by the Commission leads to an overwhelming conclusion: Government forces deny medical care to those from opposition-controlled and affiliated areas as a matter of policy. The policy is implemented through attacks on medical units, by endangering hospitals, targeting medical personnel, and interfering with patients receiving treatment. Victims relay harrowing accounts of the wounded and sick languishing at checkpoints unable to reach medical treatment, coming under renewed attack in hospital and doctors providing impartial aid being arrested and targeted. There is also evidence that some anti-Government armed groups have attacked hospitals in certain areas.

2. Article 3, common to the four Geneva Conventions of 1949, binding all parties to the non-international armed conflict in Syria, requires the wounded and sick be collected and cared for. Customary international humanitarian law also affords special protection to hospitals, medical units and healthcare personnel. Under Syria's constitution, adopted in 2012, the Government must "protect citizen's health and provide means of prevention, treatment and medication." International Human Rights Law prohibits the arbitrary deprivation of life. The right to health, enshrined in the International Covenant on Economic, Social and Cultural Rights, to which Syria is party, contains a non-derogable core obligation to ensure the right of access to health facilities, goods and services on a non-discriminatory basis, especially for vulnerable or marginalized groups, as set out in General Comment No. 14. Intentionally directing attacks against hospitals and places containing the sick and the wounded and against medical units using the Red Cross or Red Crescent emblem is a war crime in non-international armed conflict.

3. The Commission is presenting this thematic conference room paper to the 24th session of the Human Rights Council to highlight an enduring and underreported trend in the ongoing conflict. The findings that follow are emblematic examples documented by the Commission working within its methodological limitations and within the constraints on access imposed by the Government. The incidents described are indicative of wider patterns. The denial of medical care as a weapon of war is a distinct and chilling reality of the war in Syria. By rejecting the irrefutable and universally accepted principle that those wounded in hostilities must be treated, the parties to the conflict in Syria are setting a dangerous precedent.

II. Attacks on hospitals and medical units

4. Since the beginning of Syria's unrest, Government forces have strategically assaulted hospitals and medical units to deprive persons perceived to be affiliated with the

opposition of medical care. In an early example, Special Forces raided and closed down a hospital in Mouadamieh, Damascus because it treated injured protesters. They arrested patients, doctors and nurses.

5. As the violence escalated in early 2012, Government forces bombed and shelled opposition-operated field hospitals providing treatment to the wounded. The pattern of attacks indicates that Government forces deliberately targeted hospitals and medical units to gain military advantage by depriving anti-Government armed groups and their perceived supporters of medical assistance. These attacks continue to date.

6. In Homs, hospitals and medical units came under violent attack throughout 2012. In February and March, Government forces shelled field hospitals in Bab Amr from nearby villages. Three field hospitals providing emergency first aid were hit multiple times, causing considerable damage. The operating room of one field hospital was entirely destroyed. According to one victim, "The only warning was the noise made by the shell as it was fired." Following aerial surveillance by Government helicopters, a field hospital in Al Qusayr received repeated artillery fire throughout May and June. Medical staff explained that the hospital did not use distinctive emblems, so as not to attract fire from Government forces.

7. Government forces repeatedly targeted hospitals in Tal Rifat during military operations in northern Aleppo governorate between April and August 2012. On 5 April, a private hospital was aerially bombarded, reportedly from Mennagh airport. Also in April, Tal Rifat public hospital was destroyed by airstrikes and forced to close. Field hospitals attempted to continue providing care but were attacked by fighter jets from May to early August. There was a strong belief among survivors that the hospitals were targeted because they provided treatment to opposition fighters and civilians affiliated with the opposition.

8. As anti-Government groups took control of eastern and southern Aleppo city on 19 July 2012, Al Zarzou Hospital in Ansari neighbourhood came under mortar fire by Government forces, damaging the fifth floor and forcing an evacuation of patients. The hospital became administered by the opposition-affiliated Aleppo City Medical Council and was subsequently attacked by Government mortars in December 2012 and aerially bombarded in February and March 2013, causing considerable damage.

9. Aleppo's Dar Al Shifa public hospital also suffered repeated attacks between August and November 2012. On 12 August, helicopters fired artillery shells at the hospital, and in early October rockets hit the hospital. On 12 November, the hospital was targeted by a missile strike. These attacks injured and killed civilians receiving treatment in the hospital and medical personnel, significantly damaged the hospital's infrastructure and substantially reduced its ability to treat patients. On 11 August 2012, the state hospital in Tafas, Dara'a was attacked after helicopters surveyed the area. Patients receiving treatment at the time were evacuated, while others were killed in the attack. On 20 June 2013, a fighter jet dropped a bomb on the National Hospital of Al Raqqa, causing the total destruction of the intensive care unit and injuring three medical staff members.

10. In June 2012, Government forces began a concerted targeting campaign on field hospitals in Al Haffe, Latakia. One field hospital, located in a private home in Jingil village, was shelled on 5 June, and another field hospital, operating from a mosque in Al Zankoufa village, was hit on 13 June. The field hospitals were providing first aid to the sick and wounded and were staffed by volunteers and several doctors and nurses. Throughout December 2012 and January 2013, Government forces attacked field hospitals in Yarmouk Camp, Damascus. Fayiz Halwa and Al Basil hospitals were repeatedly hit with mortar fire, causing extensive damage to their infrastructure and ability to provide medical aid.

11. Al Huda private hospital in Sbaneh, Damascus was shelled on 25 July 2012. As well as a floor dedicated to wounded fighters, the hospital contained a maternity ward and an

emergency trauma care unit. Survivors and eyewitnesses believed the hospital was deliberately shelled from a Government military base in Mount Qassioun. The Al Majana private hospital in Ariha, Idlib, was hit by rocket fire on 28 August 2012. The attack damaged the emergency wing. The following day on 29 August, Government and pro-Government forces raided the hospital, destroying equipment, harassing the medical staff and accusing them of providing medical treatment to anti-Government armed group fighters. One doctor present during the attack explained, "If doctors treated opposition fighters, they were considered to be part of the opposition." Al Saeed private hospital in Al Arfi, Dayr az Zawr treating wounded civilians and fighters alike was repeatedly targeted between 19 July and 26 November by Government forces positioned on the bank of the Euphrates River. It was shelled on five occasions, injuring numerous patients and medical personnel. The hospital closed due to damage suffered.

12. In 2013, hospitals in Dara'a came under concerted attack. Since February, after Government forces withdrew from Jasem, field hospitals inside the town have been repeatedly shelled and aerially bombarded. Doctors and medical volunteers operating the field hospitals have been forced to relocate every few days to avoid being targeted. Since February, field hospitals in Tariq Asad in Dara'a Al Balad have been shelled almost continuously, killing doctors and patients. As such attacks continue, field hospitals have literally been driven underground, forced to operate in the basements of houses.

13. Anti-Government armed groups have also attacked medical facilities. On 14 April 2012, 250 Al Farouk Brigade fighters attacked the National Hospital in Jurat Al Shayyah, as part of a military offensive on Homs city. After several days' resistance from Government forces, the Al Farouk Brigade took control of the hospital. The Brigade took no precautions to avoid civilian casualties or to protect the sick and wounded during the attack. Government forces responded with aerial bombardment, which largely destroyed the hospital on 17 April.

14. In a recent incident, in late May 2013, anti-Government armed groups attacked the National Hospital in Dara'a, causing considerable damage. A member of the FSA brigade that carried out the attack on the hospital said that his group believed that there were approximately 50 patients in the hospital, and that all were affiliated with the Government. When orders were given to attack the hospital, none of the fighters involved protested that it was a protected object and no warnings were given prior to the attack.

III. Endangering hospitals

15. Placing military objectives in hospitals constitutes a failure to take all feasible precautions to protect civilians from the effects of attack. Such acts also contravene the fundamental obligation to respect and protect medical units. Using hospitals, outside their humanitarian function for acts harmful to the enemy, such as sheltering able-bodied combatants, storing arms or ammunition, as military observation posts or shields for military action, leads to a loss of their protection, exposing such hospitals to a risk of attack. This may prevent the impartial provision of medical treatment, endanger patients and medical professionals, and compromise the humanitarian function of medical facilities. Ultimately, this has a grave impact on the fulfillment of the obligation under common article 3 to care for the sick and wounded. Further, failing to respect the emblem of the Geneva Conventions undermines its protective purpose.

16. On 22 March 2011, Government forces entered the National Hospital in Dara'a city, cleared the hospital of non-essential medical staff and positioned snipers on the roof of the hospital overlooking the Omari mosque. The following day, the snipers fired on protesters. Snipers remained stationed on the National Hospital until May 2013, firing on sick and

wounded persons attempting to approach the hospital entrance. Security forces also continued to occupy the hospital until that date, ensuring only Government soldiers or civilians from Government-controlled areas of Dara'a received care. In late May 2013, anti-Government armed groups attacked the National Hospital in Dara'a.

17. As Government forces withdrew from Jasem in February 2012, Military Security retained control of Amal Hospital until 28 April 2013. At least three tanks were stationed in its courtyard, yet the hospital remained operational.

18. In Homs, Government forces conducted hostilities from several hospitals. In April 2012, Government forces established two military checkpoints at the perimeter of Al Rastan hospital. Following attacks by opposition fighters, Government forces occupied the hospital, positioning military personnel, snipers and tanks within the hospital grounds. By October 2012, the sick and wounded could not approach the hospital for fear of being fired upon, stating, "the hospital has become a military base." Since at least December 2011, Government armed forces have been positioned inside the National Hospital in Al Qusayr, Homs Governorate. In 2012, wounded and sick persons seeking medical care were hit by sniper fire from the hospital. Passersby and nearby residents were also targeted. As the Government began its Al Qusayr operation in May 2013, it positioned tanks and heavy artillery within the hospital. Snipers, tanks, armoured personnel carriers and heavy artillery were also placed around and inside Abdul Qadir Al Shaqfa Military Hospital in Al Waer, Homs. According to former hospital staff, the hospital was used to launch attacks on Al Waer and Jurat Al Shayyah neighbourhoods in May 2013.

19. Accounts from June 2012 describe the occupation of the National Hospital in Al Haffe, Latakia by soldiers and military personnel. Snipers positioned on the hospital roof targeted all those approaching the hospital, preventing access to medical treatment.

20. In September 2012, a Free Syrian Army (FSA) brigade in Mo Hassan, Dayr az Zawr, established a compound in an elementary school, exposing the field hospital located in the adjacent high school to attack. On 9 September and 29 September, the schools were targeted by airstrikes from fighter jets, causing significant damage to the field hospital. During the FSA offensive on Helfaya, Hama, around 18-20 December 2012, another FSA brigade attacked checkpoints surrounding the National Hospital, gaining control of the hospital. The National Hospital had been used as a base by Government forces.

IV. Targeting of medical personnel and transport

21. One of the most insidious trends of the armed violence in Syria has been the targeting of healthcare personnel. Ambulance drivers, nurses, doctors and medical volunteers have been attacked, arrested, unlawfully detained, and disappeared. Anti-terrorism laws issued on 2 July 2012 effectively criminalised medical aid to the opposition. Laws 19, 20 and 21 contravene the customary international humanitarian law rule that under no circumstances shall any person be punished for carrying out medical activities compatible with medical ethics, regardless of the person benefiting therefrom.

22. From April to June 2011, Government forces carried out a wave of arrests against medical professionals in Damascus. In April, five doctors working at Al Fateh Hospital and Al Mowasah University Hospital were arrested and detained after they refused to comply with Military Intelligence orders to deny treatment to injured protesters. Three doctors were tortured in Air Force Intelligence custody. Security forces arrested and mistreated a pharmacist in Mouadamieh, accused of providing treatment to protesters. In June 2011, two doctors working at the Tishrin Military Hospital were summoned to Military Security Branch 291 in Kafr Sousa, where they were detained, interrogated about their activities in

support of demonstrators and ill treated. Upon release, the Military Services Administration discharged them from duty.

23. Intelligence and law enforcement agencies have forcibly disappeared medical personnel providing treatment to perceived opposition supporters. From June 2011 until early 2012, Government security services repeatedly raided Bab Sbaa National Hospital in Homs, arresting doctors and nurses. One nurse explained that “at one point there were no more doctors left in the hospital.” During 2012, Government forces conducted a wave of arrests and extra-judicial executions of medical personnel working at Aleppo’s opposition affiliated Al Zarzou Hospital. In June 2012, Air Force Intelligence arrested three medical professionals at the hospital. Their burned bodies were found three days later. In July 2012, Dr. Nur Maktabi, a senior doctor at Al Zarzou Hospital went missing. In December 2012, he was found dead. A surgical assistant at Al Zarzou Hospital disappeared in October 2012. In mid-December 2012, the hospital’s anaesthetist disappeared at a Government-controlled checkpoint on his way home from Aleppo.

24. In early 2012, a doctor was arrested by soldiers of the 6th Division while treating patients at a state hospital in Idlib. In February 2012, Government forces arrested a doctor who treated FSA soldiers at Meydani Hospital in Latakia. On 28 June 2012, police in Damascus arrested, detained and subjected a nurse to psychological torture while interrogating her about patients she had treated.

25. Persons who received treatment in field hospitals often faced arrest and interrogation as to the names and locations of the hospitals and doctors who provided them with medical care. This has led to the arrest of doctors, as recorded in Dara’a in April and July 2011. In 2012 and 2013, doctors operating in field hospitals in Homs were allegedly declared wanted persons by Government security forces for providing support to the opposition. After a Government forces ground operation on Al Haffe, Latakia in June 2012, pro-Government militia fighters killed a doctor working at the field hospital operating in a mosque in Al Zankoufa village.

26. Persons delivering medical supplies have also been targeted. In March 2012, Government security forces reportedly listed a pharmacist who established first aid clinics in Idlib as a wanted terrorist and member of the armed opposition. In August 2012, officers at a Government checkpoint in Athman, Homs, stopped and searched an ambulance delivering medical supplies. The driver of the ambulance was taken to an intelligence service detention facility. Two weeks later, the National Hospital in Dara’a released his body, bearing extensive injuries consistent with severe torture.

27. Since the beginning of the conflict, at least 20 Syrian Arab Red Crescent volunteers have been killed, in some cases by sniper fire, while aiding the wounded or delivering relief supplies. Dozens others have been arrested and detained by the Government. On 7 September 2011, a Red Crescent ambulance evacuating wounded civilians was attacked next to a Government checkpoint in Al Hamediyah, Homs, killing one paramedic and injuring three others. In May 2012, the Syrian Arab Red Crescent unit in Azaz, Aleppo discontinued frontline work having suffered consistent sniper fire while attempting to evacuate the wounded. Also in May, the Red Crescent office in Azaz was shelled. In July 2012, a Red Crescent volunteer was killed by a sniper near Abdel Aziz mosque in Dara’a city’s Al Mahatta neighbourhood, while carrying out humanitarian duties. On 24 August 2012, a Government sniper shot and injured a Red Crescent nurse near Al Omari mosque in Dara’a. The sniper was located 200 metres away and would have seen his uniform and distinctive emblem. In early September 2012, a sniper in Al Midan neighbourhood in Aleppo city shot a medical emergency worker in full medical uniform and holding a medical bag bearing the Red Crescent logo. In March 2013, Government forces seized a Red Crescent ambulance in Jobar, Damascus. The ambulance personnel, all in uniform

bearing the Red Crescent emblem, were arrested and detained by security services for 10 days.

28. Recently, a Syrian surgeon working in an Aleppo hospital operated by Médecins Sans Frontières, was killed. His body was found on 3 September 2013. He had been treating victims of the conflict.

29. The clearly established pattern indicates that Government forces deliberately target medical personnel to gain military advantage by depriving the opposition and those perceived to support them of medical assistance for injuries sustained. While Government harassment and targeting of medical personnel continues, it appears to have diminished in 2013 because a considerable number of doctors have left the country or accepted the restrictions that security forces imposed on hospitals.

30. Other doctors have left Government-controlled areas and attempted to ensure continuity of medical care in opposition-controlled areas. However, there are increasing indications that certain anti-Government armed groups also fail to respect medical personnel. In late April 2013, the head doctor of a field hospital in northern Aleppo city was detained by members of Jabhat Al Nusra after he refused to display their banner in the hospital, insisting that the hospital was a neutral space. The doctor was held by the Sharia Committee for several days.

31. The Commission documented one case in which an armed opposition group targeted an ambulance. This occurred on 16 August 2013, when Hamad Abd al Jalil Battalion fighters attacked a Kurdish Red Crescent ambulance in Al Hasakah, killing the patient, the ambulance driver and paramedic. Before firing upon the clearly marked ambulance, the fighters had targeted it with an IED on the Ras Al Ain - Desbasiyeh road.

V. Interference with care and ill-treatment

32. Security forces have arrested and detained wounded persons in medical facilities, claiming bullet or shrapnel wounds as evidence of participation in opposition activities. The overbroad formulation of Law 19, article 10 allows its application in a manner that requires doctors to inform on patients in all cases, which is inconsistent with international humanitarian law's insistence that "persons engaged in medical activities shall not be compelled to perform acts or to carry out work contrary to medical ethics or to other medical rules designed for the benefit of the wounded and sick". In several instances, medical personnel refused to treat persons for fear of arrest. In Aleppo, Damascus, Dara'a, Dayr az Zawr, Hama, Homs, Idlib and Latakia governorates, wounded and sick persons were denied treatment on sectarian or political grounds by Government forces. Healthcare has become militarized to the extent that many in need elect not to seek medical assistance in hospitals for fear of arrest, detention, torture or death. Through such measures, the Government has deliberately obstructed the efforts of the sick and wounded to receive help.

33. In exploiting medical care to further strategic and military aims, Government forces have engaged in agonizing cruelty against the sick and wounded. The Commission has recorded consistent accounts spanning the conflict of the ill-treatment and torture of persons in military hospitals. There are strong indications of collusion between military hospitals and various security agencies in the use of torture.

34. Between April and August 2011, security officers, at times with the involvement of medical personnel, beat persons in the emergency trauma ward of the Military Hospital of Tishrin, Damascus. Most victims of this ill-treatment were protesters that had been injured by Government forces.

35. The Military Hospital of Aleppo contains a detention ward operated by the Aleppo Military Security branch. According to former doctors and medical personnel who worked in the hospital between November 2011 and December 2012, patients in this ward are heavily guarded by security officers, chained to their beds and blindfolded. Security personnel act as intermediaries between patient and doctor, often obstructing medical care as a torture and interrogation tactic.

36. Former patients, doctors and medical personnel have consistently described the alarming treatment of persons in Military Hospital No. 601 in Al Mezzeh, Damascus. Accounts indicate that some medical professionals have been co-opted into the maltreatment. Since 2011, Military Security, Military Intelligence, Air Force Intelligence, the Security Department of the Syrian Army's 4th Division and the Republican Guard have brought detainees to separate security wards inside the hospital. Detainees, including children, have been beaten, burned with cigarettes, and subjected to torture that exploits pre-existing injuries. Many patients have been tortured to death in this facility.

37. Consistent accounts from Abdul Qadir Al Shaqfa Military Hospital in Al Waer, Homs, indicate that security officers tortured persons brought for medical treatment from April 2011 to September 2012. Doctors were ordered to keep victims alive so that they could be interrogated further. Eyewitnesses describe how patients were chained to their beds and blindfolded, provided minimal food and water and subjected to harsh treatment.

VI. Conclusion

38. Violence against healthcare has significant compound effects, causing dramatic increases in mortality among the sick and wounded. The breakdown of medical services in wartime disproportionately affects vulnerable segments of the population, such as children under the age of five, nursing mothers, the disabled and elderly. In Syria, their suffering is exacerbated by the conduct of the parties to the conflict. As documented in the Commission's previous reports, both Government forces and anti-Government armed groups have employed siege warfare, preventing the passage of humanitarian aid and basic necessities, including medicine and medical supplies. Such tactics have long-term repercussions on the ability of entire communities to treat war-related and chronic healthcare problems.

39. Syria's healthcare system has fragmented along conflict lines. According to UNRWA, 32 of the country's 88 public hospitals have closed. Twenty-six of those closed are in Aleppo, Damascus, Homs and Dayr az Zawr, the four governorates most affected by the conflict. The Government reported in March 2013 that 10-15% of doctors have left the country. In contested areas, the healthcare system has largely fallen apart and is being replaced by an improvised, inadequate system, constantly at risk of attack by Government forces. Hospitals that remain operational under Government control often lack impartiality.

40. Government forces have abused the vulnerable, the wounded and the sick, exploiting their need for medical aid to further military aims. By attacking medical facilities, using hospitals as bases for military action, targeting medical personnel and interfering with patients receiving treatment, Government forces have perpetrated a concerted policy of denying medical aid to those affiliated with or part of the armed opposition. The first efforts to humanise warfare focused on the protection of the sick and wounded and those providing them with care. The incidents and patterns recorded reveal that the actions of the Syrian Government from 2011 to date have been a cynical betrayal of this fundamental principle.

41. The documented incidents of anti-Government armed group attacks against hospitals are of grave concern, as they demonstrate a disregard for the specially protected status of

healthcare facilities and a failure to take precautions to avoid civilian casualties and protected the sick and wounded.

42. The Commission of Inquiry on the Syrian Arab Republic reaffirms its recommendations (A/HRC/24/46) regarding the need to ensure the protection of civilians and compliance with international humanitarian law. The parties to the conflict must respect the special protection afforded to medical facilities and personnel. The Commission entreats the Government to fulfill its obligations under international human rights law to ensure the right to health, a right that is closely and inextricably linked to the rights to life, human dignity, non-discrimination, equality and the prohibition against torture and ill-treatment.

Anexo VIII

[Inglés únicamente]

Map of the Syrian Arab Republic

