



**International Protection Considerations with Regard to  
People Fleeing the Syrian Arab Republic  
Update V**

**United Nations High Commissioner for Refugees (UNHCR)  
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## List of Abbreviations

ABC	American Broadcasting Company
AFP	Agence France-Presse
AGPS	Action Group for Palestinians of Syria
BBC	British Broadcasting Corporation
CAT	United Nations Committee Against Torture
CFR	Council on Foreign Relations
CPJ	Committee to Protect Journalists
CRC	United Nations Committee on the Rights of the Child
DIS	Danish Immigration Service
EASO	European Asylum Support Office
EU	European Union
EUI	European University Institute
FAO	United Nations Food and Agriculture Organization
FGM	Female Genital Mutilation
FIDH	International Federation for Human Rights
FSA	Free Syrian Army
FTS	Financial Tracking Service
GCHR	Gulf Center for Human Rights
GIP	Guidelines on International Protection
HLP	Housing, Land and Property
HRGJ	Human Rights and Gender Justice Clinic
HRW	Human Rights Watch
HTS	Hay'at Tahrir Al-Sham
ICRC	International Committee of the Red Cross
IDMC	Internal Displacement Monitoring Centre
IDP	Internally Displaced Person
IFA/IRA	Internal Flight or Relocation Alternative
ILGA	International Lesbian, Gay, Bisexual, Trans and Intersex Association
IRC	International Rescue Committee
ISIS	Islamic State of Iraq and Al-Sham
ISW	Institute for the Study of War
JAN	Jabhat Al-Nusra
KDP	Kurdish Democratic Party
KDPS	Kurdish Democratic Party in Syria
KNC	Kurdish National Council
LGBT	Lesbian, gay, bisexual and transgender
NDF	National Defence Forces
NGO	Non-governmental organization
NRC	Norwegian Refugee Council

OAU	Organization of African Unity
OCHA	United Nations Office for the Coordination of Humanitarian Affairs
OHCHR	Office of the High Commissioner for Human Rights
PHR	Physicians for Human Rights
PKK	Kurdistan Workers' Party
PYD	Democratic Union Party
SARC	Syrian Arab Red Crescent
SCPR	Syrian Center for Policy Research
SDF	Syrian Democratic Forces
SGBV	Sexual and gender-based violence
SNHR	Syrian Network for Human Rights
SOHR	Syrian Observatory for Human Rights
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNIFEM	United Nations Development Fund for Women
UNRWA	United Nations Relief and Works Agency for Palestine Refugees in the Near East
UPI	United Press International
US	United States
USCIRF	United States Commission on International Religious Freedom
VDC	Violation Documentation Center
WFP	World Food Programme
WHO	World Health Organization
WILPF	Women's International League for Peace and Freedom
YPG	People's Protection Units
3RP	Regional Refugee and Resilience Plan

## I. Executive Summary

This document provides an update of and replaces UNHCR's *International Protection Considerations with Regard to People Fleeing the Syrian Arab Republic, Update IV*, of November 2015.<sup>1</sup> It is based on information available up to 30 October 2017, unless otherwise stated, and will be updated as the situation in the Syrian Arab Republic (hereafter Syria) evolves. All claims lodged by asylum-seekers need to be considered on their own merits according to fair and efficient status determination procedures and up-to-date and relevant country of origin information. This applies whether the claims are analysed on the basis of the refugee criteria contained in the 1951 Convention Relating to the Status of Refugees ("1951 Convention")<sup>2</sup> and its 1967 Protocol,<sup>3</sup> UNHCR's mandate, regional refugee instruments, or on the basis of broader international protection criteria, including complementary forms of protection.

### *Refugee Protection under the 1951 Convention Criteria and Main Categories of Claims*

In view of the widely reported serious and widespread violations of international humanitarian law (IHL) and violations and abuses of human rights law and ongoing armed conflicts in many parts of the country, **UNHCR continues to characterize the flight of civilians from Syria as a refugee movement, with the vast majority of Syrian asylum-seekers continuing to be in need of international refugee protection, fulfilling the requirements of the refugee definition contained in Article 1A(2) of the 1951 Convention.** Likewise, Palestinians from Syria are likely to fulfil the requirements of Article 1D and would be *ipso facto* entitled to the benefits of the 1951 Convention. Syrians who do not meet the requirements of Article 1A(2) of the 1951 Convention may qualify for international protection under broader refugee criteria elaborated in regional refugee instruments, or other forms of international protection, including subsidiary protection, or protection from refoulement derived from universal or regional human rights norms.

For many civilians who have fled Syria, the nexus to a 1951 Convention ground will lie in the direct or indirect, real or perceived association with one of the parties to the conflict. A particular feature of the conflict in Syria is that different parties to the conflict frequently impute a political opinion to larger groups of people, including families, tribes, religious or ethnic groups, or whole towns, villages or neighbourhoods, by association. In those situations, the risk of being harmed is serious and real, and in no way diminished by the fact that the person concerned may not be targeted on an individual basis.

UNHCR maintains its assessment that Syrian civilians and former habitual residents of Syria falling under the below mentioned risk profiles (except for sub-categories within risk profiles 3 and 8) **are likely to be in need of international refugee protection.** Since the publication of UNHCR's *International Protection Considerations with Regard to People Fleeing the Syrian Arab Republic, Update IV*, of November 2015, the Syrian Government with support from its allies has regained control over substantive parts of the country. Similarly, Kurdish-dominated forces have consolidated their control over parts of northern Syria. In parallel, the control over territory by and the military capabilities of anti-government armed groups and ISIS have diminished. Against this background, UNHCR assesses that certain specific sub-categories of civilians within two risk profiles (see profiles 3 and 8 in the list below) **may be in need of international refugee protection**, depending on the individual circumstances of the person concerned.

Relevant and reliable country of origin information and eligibility guidance for the following risk profiles is provided in this document, and, where applicable, also for family members or persons otherwise closely associated with persons of these profiles:

<sup>1</sup> The current document supersedes UNHCR, *International Protection Considerations with Regard to People Fleeing the Syrian Arab Republic, Update IV*, November 2015, <http://www.refworld.org/docid/5641ef894.html>.

<sup>2</sup> UN General Assembly, *Convention Relating to the Status of Refugees*, 28 July 1951, United Nations Treaty Series, Vol. 189, <http://www.refworld.org/docid/3be01b964.html>, p. 137.

<sup>3</sup> UN General Assembly, *Protocol Relating to the Status of Refugees*, 31 January 1967, United Nations Treaty Series, Vol. 606, <http://www.refworld.org/docid/3ae6b3ae4.html>, p. 267.

1. Persons opposing, or perceived to be opposing, the government.
2. Draft evaders and deserters from the Armed Forces.
3. Persons supporting, or perceived to be supporting, the government.
4. Persons opposing, or perceived to be opposing, ISIS in areas under its *de facto* control or influence.
5. Persons opposing, or perceived to be opposing, anti-government armed groups in areas under their *de facto* control or influence.
6. Persons opposing, or perceived to be opposing, the PYD/YPG in areas under their *de facto* control.
7. Certain professionals.
8. Members of religious and minority ethnic groups.
9. Persons perceived as contravening *Shari'a* Law in areas under the control or influence of extremist Islamist armed groups.
10. Women and girls with certain profiles or in specific circumstances.
11. Children with certain profiles or in specific circumstances.
12. Persons of diverse sexual orientations and/or gender identities.
13. Palestinian refugees.

The profiles listed here are not necessarily exhaustive and may overlap. There is no hierarchy implied in the order in which the profiles are presented. The profiles are based on information available at the time of writing, and hence, a claim should not be considered as without merit simply because it does not fall within any of the profiles identified here. Where relevant, particular consideration needs to be given to any past persecution to which applicants for international protection may have been subjected.

The 1951 Convention forms the cornerstone of the international protection regime. The criteria for refugee status in the 1951 Convention should be interpreted in such a manner that individuals or groups of persons who meet these criteria are duly recognized and protected under that instrument. Only when an asylum-seeker is found not to meet the refugee criteria in the 1951 Convention, for example because the feared persecution is found not to be for reason of a Convention ground, or if otherwise the threshold for applying the 1951 Convention definition is not met, should consideration be given to broader refugee criteria elaborated in regional refugee instruments,<sup>4</sup> or other forms of international protection, including subsidiary protection,<sup>5</sup> or protection from *refoulement* derived from universal or regional human rights norms.<sup>6</sup>

#### *Internal Flight or Relocation Alternative (IFA/IRA)*

In light of the prevailing conditions in Syria, in particular the multitude and complexity of conflicts, the volatility of the security situation, the reported high level of human rights violations and abuses, and the deeply entrenched suspicions against persons of different backgrounds or origins, UNHCR does not

<sup>4</sup> For regional refugee criteria, see Organization of African Unity (OAU), *Convention Governing the Specific Aspects of Refugee Problems in Africa* (“OAU Convention”), 10 September 1969, 1001 U.N.T.S. 45, <http://www.refworld.org/docid/3ae6b36018.html>; Regional Refugee Instruments & Related, *Cartagena Declaration on Refugees, Colloquium on the International Protection of Refugees in Central America, Mexico and Panama*, 22 November 1984, <http://www.refworld.org/docid/3ae6b36ec.html>; Asian-African Legal Consultative Organization (AALCO), *Bangkok Principles on the Status and Treatment of Refugees* (“Bangkok Principles”), 31 December 1966, <http://www.refworld.org/docid/3de5f2d52.html>.

<sup>5</sup> For subsidiary protection, see, European Union: Council of the European Union, *Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on Standards for the Qualification of Third-Country Nationals or Stateless Persons as Beneficiaries of International Protection, for a Uniform Status for Refugees or for Persons Eligible for Subsidiary Protection, and for the Content of the Protection Granted (Recast)*, 20 December 2011, OJ L. 337/9-337/26; 20.12.2011, 2011/95/EU, <http://www.refworld.org/docid/4f197df02.html>.

<sup>6</sup> Such as: UN General Assembly, *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, 10 December 1984, United Nations, Treaty Series, Vol. 1465, <http://www.refworld.org/docid/3ae6b3a94.html>, p. 85; UN General Assembly, *International Covenant on Civil and Political Rights*, 16 December 1966, United Nations, Treaty Series, Vol. 999, p. 171, <http://www.refworld.org/docid/3ae6b3aa0.html>; Council of Europe, *European Convention for the Protection of Human Rights and Fundamental Freedoms, as Amended by Protocols Nos. 11 and 14*, 4 November 1950, ETS 5, <http://www.refworld.org/docid/3ae6b3b04.html>.

consider it appropriate for states to deny persons from Syria international protection on the basis of an Internal Flight or Relocation Alternative (IFA/IRA). The relevance requirement would not be met where the person would be exposed to a new risk of serious harm in the proposed area of relocation, whether in the form of a serious risk to life, safety, liberty or health, or one of serious discrimination, irrespective of whether or not there is a link to one of the 1951 Convention grounds.<sup>7</sup> Even in the exceptional circumstances where the relevance requirement is met, the reasonableness requirement poses an obstacle to the applicability of an IFA/IRA, due to the hardships faced by Syrians in ensuring their basic survival amidst a widespread and severe humanitarian crisis, the massive destruction of homes and basic infrastructure, and the large-scale internal displacement in the country with over 6.3 million IDPs in Syria.

#### *Exclusion Considerations*

In light of the serious human rights abuses and violations of IHL in Syria, particularly since the onset of the conflict in March 2011, including reportedly unlawful attacks against civilians and protected objects, murder, summary executions, torture and other forms of ill-treatment, kidnappings, hostage-taking, rape and other forms of sexual violence, forced displacement and recruitment and use of children, exclusion considerations under Article 1F of the 1951 Convention may arise in individual claims by asylum-seekers from Syria.

#### *Moratorium on Forced Returns*

Finally, as all parts of Syria are reported to have been affected, directly or indirectly, by one or multiple conflicts, UNHCR calls on states not to forcibly return Syrian nationals and former habitual residents of Syria, including Palestinians previously residing in Syria.

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<sup>7</sup> UNHCR, *Guidelines on International Protection No. 4: "Internal Flight or Relocation Alternative" Within the Context of Article 1A(2) of the 1951 Convention and/or 1967 Protocol Relating to the Status of Refugees*, 23 July 2003, HCR/GIP/03/04, <http://www.refworld.org/docid/3f2791a44.html>, para. 20.

## II. Main Developments in Syria since 2016

### A. Conflict and Security Situation and Recent Political Developments

Despite efforts to reduce violence through de-escalation agreements,<sup>8</sup> nearly all parts of Syria continue to be embroiled in violence, which is playing out between different state and non-state actors in partially overlapping conflicts and has increasingly involved different regional and international actors.<sup>9</sup> The country is reportedly deeply fractured as parties to the conflict, including Syrian government forces,<sup>10</sup> the group “Islamic State of Iraq and Al-Sham” (hereafter ISIS),<sup>11</sup> anti-government armed groups,<sup>12</sup> and the Kurdish-

<sup>8</sup> See below pp. 11-13.

<sup>9</sup> “(...) ongoing clashes, in particular military operations targeting ISIL strongholds in the eastern part of the Syrian Arab Republic, continued to result in the death and displacement of the civilian population and the destruction of civilian infrastructure. In addition to anti-ISIL operations in the north-astern area, fighting and clashes, including air strikes and/or artillery shelling and sniper attacks, were reported between Government and pro-Government forces and non-State armed opposition groups in the Governorates of Dar’a, Qunaytirah, Rif Dimashq, Damascus, Aleppo, Idlib, Ladhīqiyah, Homs and Hama. Clashes between the Syrian Democratic Forces [SDF] and non-State armed opposition groups were also reported in Aleppo Governorate”; UN Security Council, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015) and 2332 (2016)*, 21 September 2017, S/2017/794, <http://www.refworld.org/docid/59d4dc8a4.html>, para. 4. “Syria is currently engaged in a series of armed conflicts. First, the Syrian government is engaged in several non-international armed conflicts against a wide array of rebel groups. Second, there is arguably an international armed conflict between Syria and members of the US-led international coalition and Turkey. There is arguably a military occupation of parts of northern Syria by Turkey. Finally, part of Syrian territory, the Golan Heights, is occupied by Israel”; The Geneva Academy/RULAC, *Syria*, last updated 12 September 2017, <http://bit.ly/2eKf6Ld>. “While the de-escalation agreement in Astana has resulted in some reduction in violence, the Syrian conflict remains highly fragmented as distinct dynamics evolve in various parts of the country. The increasing involvement of external actors, while creating some opportunities for localized peace, also bears the seeds of discord as these actors have diametrically opposed objectives”; UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 8 August 2017, A/HRC/36/55, <http://www.refworld.org/docid/59b24fe14.html> (hereafter: UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 8 August 2017, <http://www.refworld.org/docid/59b24fe14.html>), para. 17. See also, Council on Foreign Relations (CFR), *Global Conflict Tracker*, last updated 26 October 2017, <http://on.cfr.org/2uZqvhd>; Al Jazeera, *Syria's Civil War Explained from the Beginning*, 1 October 2017, <http://bit.ly/2ackfuB>.

<sup>10</sup> The term “government forces”, unless specified otherwise, includes the Syrian Armed Forces and security and intelligence agencies, as well as a range of pro-government armed groups that are, to varying degrees, affiliated with the government and/or act on behalf of the government, including the National Defence Forces (NDF), Popular Committees, and “*Shabbiha*” (a term which is used, often not in a uniform manner, as an umbrella term for Syrian “pro-government” forces), Russian forces, as well as foreign pro-government groups such as Hezbollah and Iraqi and other Shi’ite militias. See, for example, Office of the High Commissioner for Human Rights (OHCHR), *Syria: Monthly Human Rights Digest – September 2017*, 6 October 2017, <http://www.refworld.org/docid/59db24594.html>, p. 3; CFR, *Who’s Who in Syria’s Civil War*, last updated 28 April 2017, <http://on.cfr.org/2tkoEBO>; Los Angeles Times, *Who Controls Syria?*, 7 April 2017, <http://fw.to/8yWwwtU>.

<sup>11</sup> The “Islamic State of Iraq and Al-Sham” (ISIS) (Arabic: *Ad-Dawlah Al-’Islāmiyyah fi Al Iraq wa Al-Sham*), is also known as the “Islamic State of Iraq and the Levant” (ISIL) and has proclaimed itself as “Islamic State” (IS). ISIS has been designated as a terrorist entity by Security Council Resolution 2170 (2014); UNSC, *Security Council Resolution 2170 (2014) [on Threats to International Peace and Security Caused by Terrorist Acts by Al-Qaida]*, 15 August 2014, S/RES/2170 (2014), <http://www.refworld.org/docid/53f729b84.html>. See also, RAND Corporation, *The Islamic State (Terrorist Organization)*, accessed 30 October 2017, <http://bit.ly/2y190wV>; Stanford University, *Mapping Militant Organizations: The Islamic State*, last updated 23 October 2017, <http://stanford.io/2vUZ9cm>.

<sup>12</sup> The term “anti-government armed groups” refers to various non-state armed groups and alliances, whose primary goal is to overthrow the Syrian Government through violent means. These include, *inter alia*:

- **Jabhat Fatah Al-Sham.** The Jihadist-Salafist group Jabhat Fatah Al-Sham (until July 2016 known as Jabhat Al-Nusra/JAN) continues to be widely considered an Al-Qa’eda affiliate despite its ostensible split from its parent organization in July 2016. In late January 2017, Jabhat Fatah Al-Sham merged with four other Islamist organizations (Harakat Nur Al-Din Al-Zinki, Liwa Al-Haq, Liwa Ansar Al-Din, and Jaysh Al-Sunnah) to form Hay’at Tahrir Al-Sham (HTS). Jabhat Fatah Al-Sham undertakes major operations in concert with other anti-government armed groups, despite ideological and political divergences. It has also been a target of US airstrikes; Stanford University, *Mapping Militant Organizations: Hay’at Tahrir al-Sham (Formerly Jabhat al-Nusra)*, 14 August 2017, <http://stanford.io/23KQZvx>; Wilson Center, *Al Qaeda’s Latest Rebranding: Hay’at Tahrir al Sham*, 24 April 2017, <https://shar.es/1VDz95>. Jabhat Fatah Al-Sham continues to be considered a terrorist entity as designated by Security Council Resolution 2170 (2014); UN Human Rights Council, *Human Rights Abuses and International Humanitarian Law Violations in the Syrian Arab Republic, 21 July 2016 - 28 February 2017*, 10 March 2017, A/HRC/34/CRP.3, <http://www.refworld.org/docidb/58c80d884.html> (hereafter: UN Human Rights Council, *Human Rights Abuses and International Humanitarian Law Violations, 21 July 2016 - 28 February 2017*, 10 March 2017, <http://www.refworld.org/docid/58c80d884.html>), footnote 14.
- **Ahrar Al-Sham.** In January 2017, a coalition of Salafist armed groups. Some of Ahrar Al-Sham’s leaders/members reportedly defected and joined HTS in January 2017; see Stanford University, *Mapping Militant Organizations: Ahrar al-Sham*, updated 5



dominated People's Protection Units (YPG) / Syrian Democratic Forces (SDF),<sup>13</sup> exercise control and influence in different parts of the country.<sup>14</sup> The conflict in Syria is characterized by grave violations of IHL and international human rights law by all parties to the conflict.<sup>15</sup>

The intensity of fighting fluctuates among different regions, depending on the actors involved, their strategic objectives, and local and broader conflict dynamics. The remainder of this section provides an overview of the parties to the conflict and the main conflict developments since 2016.

Over the course of 2016 and 2017, Syrian government forces reportedly recaptured significant parts of the country from anti-government armed groups and ISIS, respectively, including Syria's largest city Aleppo in December 2016 and, after breaking a three-year long siege by ISIS, the north-eastern city of Deir Ez-Zour in September 2017.<sup>16</sup> At the time of writing, Syrian government forces hold control over all major urban centres, including the capital Damascus and most of its surroundings, Aleppo, Homs, Hama, parts of Dera'a city, much of the area along the border with Lebanon, as well as the coastal region including Lattakia and Tartous Governorates.<sup>17</sup>

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August 2017, <http://stanford.io/1mTGww8>; Reuters, *Facing Jihadist Attack, Syrian Rebels Join Bigger Faction*, 26 January 2017, <http://reut.rs/2jUhGwC>.

- **Jaysh Al-Islam**, a coalition of Islamist and Salafist units fighting the Syrian Government; see Stanford University, *Mapping Militant Organizations: Jaysh al-Islam*, updated 31 August 2017, <http://stanford.io/2fnlin6>.
- Groups affiliated with the **Free Syrian Army (FSA)**, a loose coalition of dozens of armed groups, with the common objective to oust President Al-Assad; see, for example, Brookings, *The Free Syrian Army: A Decentralized Insurgent Brand*, November 2016, <http://brook.gs/2fadx48>.

For further information on various anti-government armed groups, see Al Jazeera, *Who Are Syria's Opposition Alliances?*, 10 October 2017, <http://aje.io/6trx9>; Bellingcat, *Factions Fighting in the Syrian Civil War*, 29 April 2017, <http://bit.ly/2vwBygK>; CFR, *Who's Who in Syria's Civil War*, last updated 28 April 2017, <http://on.cfr.org/2tkoEBO>.

<sup>13</sup> The SDF is an alliance comprised by the People's Protection Units (YPG), the armed wing of the Democratic Union Party (PYD), which has become the main political force in predominantly Kurdish areas following the withdrawal of government troops in July 2012, as well as Arab tribes, Assyrian militias and FSA-affiliated factions. According to reports, the YPG plays a leading role in SDF operations. Turkey considers the YPG a terrorist organization due to the group's reported ties to the Kurdistan Workers' Party (PKK). The SDF is primarily fighting ISIS with international coalition support; Los Angeles Times, *Confused by All Those Groups Fighting in Syria?*, 23 July 2017, <http://fw.to/2NJBdrG>; CFR, *Who's Who in Syria's Civil War*, last updated 28 April 2017, <http://on.cfr.org/2rk7vYe>; UN Human Rights Council, *Human Rights Abuses and International Humanitarian Law Violations, 21 July 2016 - 28 February 2017*, 10 March 2017, <http://www.refworld.org/docid/58c80d884.html>, footnote 16; Institute for the Study of War (ISW), *The Road to Ar-Raqqa: Background on the Syrian Democratic Forces*, 22 November 2016, <http://bit.ly/2nBOvlQ>; Syria Deeply, *Origins of the Syrian Democratic Forces: A Primer*, 22 January 2016, <http://bit.ly/2kQxm3c>.

<sup>14</sup> For maps on areas of control, see Al Jazeera, *Syrian Civil War Map*, 29 October 2017, <http://aje.io/zk7f>; ISW, *Syria Situation Report: October 10 - 24, 2017*, 26 October 2017, <http://bit.ly/2xtRUFb>; BBC, *Islamic State and the Crisis in Iraq and Syria in Maps*, 21 October 2017, <http://bbc.in/1nbXXmb>.

<sup>15</sup> "As in the past, the high level of civilian casualties remains a strong indication that violations of the prohibition on launching indiscriminate attacks and of the principles of proportionality and precaution are continuing. (...) OHCHR has documented alleged incidents by many parties to the conflict, including Government forces and their allies, non-State armed opposition groups and Security Council-designated terrorist groups"; UN Security Council, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015) and 2332 (2016)*, 21 September 2017, S/2017/794, available at: <http://www.refworld.org/docid/59d4dc8a4.html>, paras 15, 16. See also below "Violations and Abuses of Human Rights and Violations of International Humanitarian Law" (Section II.C) and sources referenced therein.

<sup>16</sup> Reuters, *Syrian Army Captures Islamic State Position, Eyes Final Stronghold*, 26 October 2017, <https://reut.rs/2z8SfSf>; Financial Times, *Syrian Government Forces Claim Recapture of Mayadeen*, 14 October 2017, <http://on.ft.com/2yKpUSr>; Agence France-Presse (AFP), *Syria Army Ousts ISIS from all of Hama Province*, 4 October 2017, <http://bit.ly/2xj58Uu>; The Washington Post, *Syria Troops Close to Surrounding IS in Eastern City*, 27 September 2017, <http://wapo.st/2y1XH0t>; Voice of America, *Syrian Army Gains Ground on Jordan Border in Southwest*, 10 August 2017, <http://bit.ly/2hNj6LV>; Al Jazeera, *Syrian Army Takes ISIL-Held Town of Al-Sukhna in Homs*, 6 August 2017, <http://aje.io/dr4mq>; Reuters, *Syrian Army Takes more Oil Fields from Islamic State in Raqqa and Eastern Desert*, 15 July 2017, <http://reut.rs/2v4wSwu>; Al-Monitor, *Syrian Regime Clears last IS Bastion in Aleppo Province*, 9 June 2017, <http://almon.co/2vjpj>; BBC, *Syria Conflict: Government Regains Full Control of Homs*, 22 May 2017, <http://bbc.in/2r9zLxd>; USA Today, *Syrian Forces Retake Roman-Era City of Palmyra*, 2 March 2017, <http://usat.ly/2mwOy2E>; UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 2 February 2017, A/HRC/34/64, <http://www.refworld.org/docid/58b827094.html> (hereafter: UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 2 February 2017, <http://www.refworld.org/docid/58b827094.html>).

<sup>17</sup> Al Jazeera, *Syria's Civil War Explained from the Beginning*, 1 October 2017, <http://bit.ly/2ackIuB>. See also maps on areas of control, above footnote 14.

ISIS has reportedly come under increasing pressure by multiple local and international actors and has lost control over significant territory, border crossings and supply lines, mainly in the governorates of Aleppo, Deir Ez-Zour, and Raqqa, the Homs and Hama countryside and along the Syria-Lebanon border.<sup>18</sup> Since November 2016, the SDF have gradually advanced on the city of Raqqa, the self-declared capital of ISIS proclaimed by the group in 2014. On 20 October 2017, the SDF announced the “total liberation of Raqqa”.<sup>19</sup> At the time of writing, ISIS retains control of the town of Albu Kamal (Deir Ez-Zour Governorate) and largely unpopulated areas along the Euphrates Valley between the city of Deir Ez-Zour and the Syria-Iraq border; in parts of Homs Governorate; in Yarmouk (Damascus Governorate); and in south-western Syria through its affiliate, the Khaled bin Al-Waleed Army.<sup>20</sup>

At the time of writing, an array of anti-government armed groups – with diverse ideological and political backgrounds and shifting alliances or coalitions<sup>21</sup> – reportedly continue to operate mainly in Idlib Governorate, parts of rural Aleppo Governorate, the northern parts of Homs and Hama Governorates, the southern Governorates of Dera’a and Quneitra, as well as in parts of Rural Damascus Governorate.<sup>22</sup> Since August 2016, following the launch of Operation “Euphrates Shield”, Turkey and Syrian anti-government armed groups have taken *de facto* control of the area between Jarablus and Azaz from ISIS in northern Syria.<sup>23</sup> In addition to fighting against the Government and ISIS, rival armed groups have reportedly repeatedly battled over power, territory and political/ideological differences.<sup>24</sup> In July 2017, rising tensions led to an escalation in fighting between two of the most powerful anti-government armed groups, Ahrar Al-

<sup>18</sup> AFP, *Syria Army Ousts ISIS from all of Hama Province*, 4 October 2017, <http://bit.ly/2xj58Ut>; AFP, *US-Backed Force Takes 90 Percent of Syria's Raqqa from ISIS*, 20 September 2017, <http://bit.ly/2z1Yp5U>; UN Security Council, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015) and 2332 (2016)*, 21 September 2017, S /2017/794, <http://www.refworld.org/docid/59d4dc8a4.html>, paras 4, 6, 9, 13; Geneva Academy of International Humanitarian Law and Human Rights, *Non-International Armed Conflicts in Syria*, last updated 26 October 2017, <http://bit.ly/2wNUIwn>; USA Today, *ISIS Losses in Syria Bolster Assad's Ability to Reclaim Control*, 7 September 2017, <https://usat.ly/2eOOA3G>; Al Jazeera, *Offensives Target ISIL on Lebanon-Syria Border*, 19 August 2017, <http://aje.io/d2pgl>; Al Jazeera, *Syrian Army Takes ISIL-Held Town of al-Sukhna in Homs*, 6 August 2017, <http://aje.io/dr4mq>. See also maps on areas of control, above footnote 14.

<sup>19</sup> At the time of writing, it is unclear how the city, which by the end of the military offensive had reportedly suffered destruction at a vast scale and was mostly depopulated, will be administered; Al Jazeera, *What Will Happen to Post-ISIL Raqqa?*, 17 October 2017, <http://aje.io/m9trr>. See also, CNN, *Raqqa: SDF Declare 'Total Liberation' of ISIS Stronghold*, 20 October 2017, <http://cnn.it/2ioxc7i>; The New York Times, *Raqqa, ISIS 'Capital,' Is Captured, U.S.-Backed Forces Say*, 17 October 2017, <https://nyti.ms/2kVz7AV>; <http://bbc.in/2ytdqvg>; Reuters, *Syrian Militias Aim to Push Islamic State Out of Raqqa Within a Month*, 25 September 2017, <https://reut.rs/2xqnuXS>; Reuters, *U.S.-Backed Syrian Alliance Declares Attack on Islamic State in Raqqa*, 6 November 2016, <http://reut.rs/2fueZP4>.

<sup>20</sup> Reuters, *Syrian Army Captures Islamic State Position, Eyes Final Stronghold*, 26 October 2017, <https://reut.rs/2z8SfSf>; Syria Direct, *Why Is an Islamic State Affiliate Quietly Ruling Unchallenged in a Corner of Syria's South?*, 28 September 2017, <http://bit.ly/2z0SD23>; The Guardian, *Retreating ISIS Fighters Prepare for 'Last Stand' in Syria*, 8 September 2017, <http://bit.ly/2jci8cH>; The Independent, *ISIS-Affiliated Fighters Have Seized Syrian Territory near the Israeli Border in a Surprise Attack*, 21 February 2017, <http://ind.pn/2kUNVe7>.

<sup>21</sup> “Wide arrays of diverse armed groups fight against the government and the Islamic State group. They operate mostly on a local level and belong to a shifting web of broader alliances or coalitions spanning all or part of Syria”; Geneva Academy of International Humanitarian Law and Human Rights, *Non-International Armed Conflicts in Syria*, last updated 26 October 2017, <http://bit.ly/2wNUIwn>. See also above footnote 12.

<sup>22</sup> See maps on areas of control, above footnote 14.

<sup>23</sup> On 24 August 2016, Turkey submitted a letter to the President of the UN Security Council (S/2016/739), in which it invoked Article 51 of the UN Charter and informed the President that “Turkey initiated a military operation in the early hours of 24 August 2016” in areas of northern Syria under ISIS control; UN Human Rights Council, *Human Rights Abuses and International Humanitarian Law Violations, 21 July 2016 - 28 February 2017*, 10 March 2017, <http://www.refworld.org/docid/58c80d884.html>, footnote 3. See also, Al-Monitor, *Border Crossings Bring in Cash for Free Syrian Army Factions*, 28 September 2017, <http://almon.co/2xfk>; Geneva Academy of International Humanitarian Law and Human Rights, *Military Occupation of Syria by Turkey*, last updated 20 October 2017, <http://bit.ly/2uM7qtW>.

<sup>24</sup> UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 8 August 2017, <http://www.refworld.org/docid/59b24fe14.html>, para. 13; IRIN, *Black Flags over Idlib: The Jihadi Power Grab in Northwestern Syria*, 9 August 2017, <http://bit.ly/2vRZDjj>; Syria Deeply, *In Besieged Eastern Ghouta, Rebel Infighting Increases Civilian Suffering*, 1 August 2017, <http://bit.ly/2yNsEva>; Chatham House, *Why Ahrar al-Sham Couldn't Stand Up to HTS's Attack in Idlib*, August 2017, <http://bit.ly/2fL7JDQ>; UN Human Rights Council, *Human Rights Abuses and International Humanitarian Law Violations, 21 July 2016 - 28 February 2017*, 10 March 2017, <http://www.refworld.org/docid/58c80d884.html>, para. 9; Al Jazeera, *Idlib's Rebel Split: A Crossroads for Syrian Opposition*, 2 February 2017, <http://aje.io/lst6>; Washington Institute for Near East Policy, *Status of the Syrian Rebellion: Numbers, Ideologies, and Prospects*, Policy Watch 2727, 22 November 2016, <http://washin.st/2mDWboA>; Syria Deeply, *Ghouta Infighting Challenges Jaish Al-Islam's Rule*, 1 June 2016, <http://bit.ly/2n6SluB>; Carnegie Middle East Center, *An Islamist Experiment: Political Order in the East Ghouta*, 18 April 2016, <http://ceip.org/2n9yuRd>.

Sham and Hay'at Tahrir Al-Sham (HTS), the Al-Qaeda-linked alliance dominated by Jabhat Fatah Al-Sham. After the former withdrew from Idlib city and the Bab Al-Hawa border crossing with Turkey, HTS further consolidated its dominant position in large parts of Idlib Governorate and the surrounding opposition-controlled areas.<sup>25</sup>

The YPG has reportedly consolidated its control over the *de facto* self-administered Kurdish areas along the Syria-Turkey border, namely the “cantons” of Hassakeh, Kobane (Ayn Al-Arab) and Afrin. Under the umbrella of the SDF, it has also captured previously ISIS-held territories, including, in 2016, the towns of Menbij and Tel Rifaat (both in Aleppo Governorate) and Shaddadi (Hassakeh Governorate),<sup>26</sup> and, on 20 October 2017, the city of Raqqa.<sup>27</sup> Since September 2017, the SDF and its allies, in an offensive separate from that led by government forces, have also pushed from the north-east into Deir Ez-Zour Governorate.<sup>28</sup> In July 2017, mounting tensions between the YPG and Turkish-backed forces reportedly escalated into intermittent fighting in north-west Syria.<sup>29</sup>

Since 2012, the Syrian Government and opposition have participated in UN-brokered negotiations under the framework of the 2012 Geneva Communiqué.<sup>30</sup> At the time of writing, negotiations had yet to yield results, as both sides have adopted differing interpretations of the agreement.<sup>31</sup> Several state-led initiatives taken since 2016 for a cessation of hostilities between government and anti-government armed groups reportedly only had a limited effect on the ground as they lacked enforcement and accountability mechanisms.<sup>32</sup> On 29 December 2016, Russia and Turkey announced a new cease-fire agreement to be followed by peace talks in late January 2017 in Astana, Kazakhstan.<sup>33</sup> On 31 December 2016, the United Nations (UN) Security Council unanimously adopted a resolution supporting the Russian-Turkish initiative.<sup>34</sup> Three rounds of peace talks were subsequently held in Astana, all of which reportedly closed

<sup>25</sup> The withdrawal was reportedly followed by a ceasefire between Ahrar Al-Sham and HTS, which both groups have since broken intermittently; Al-Monitor, *Hayat Tahrir Al-Sham Plots Its Next Move in Northern Syria*, 7 August 2017, <http://almon.co/2wh9>. See also, Jamestown Foundation, *After Raqqa: The Next Jihadist Stronghold in Syria*, 22 September 2017, <http://www.refworld.org/docid/59cb614f4.html>; IRIN, *Black Flags over Idlib: The Jihadi Power Grab in Northwestern Syria*, 9 August 2017, <http://bit.ly/2vRZDj>; Vice News, *Al Qaeda Is Thriving in Syria's Chaos*, 8 August 2017, <http://bit.ly/2viTI3Q>; Reuters, *U.S. Says 'Grave' Consequences if Syria's al Qaeda Dominates Idlib Province*, 3 August 2017, <http://reut.rs/2vqPKIx>; Chatham House, *Why Ahrar al-Sham Couldn't Stand Up to HTS's Attack in Idlib*, August 2017, <http://bit.ly/2fL7JDQ>; Al Jazeera, *Hay'et Tahrir al-Sham Take Control of Syria's Idlib*, 24 July 2017, <http://aje.io/ja917>.

<sup>26</sup> See maps on areas of control, above footnote 14.

<sup>27</sup> See above footnote 19.

<sup>28</sup> Syria Deeply, *Mapping the Battle Against ISIS in Deir Ezzor*, 26 September 2017, <http://bit.ly/2yqyipU>; The National, *US-Backed Forces, Syrian Army Advance Separately on ISIL in Deir Ezzor*, 9 September 2017, <http://bit.ly/2konnHa>.

<sup>29</sup> ISW, *Syria Situation Report: July 13 - July 20, 2017*, 20 July 2017, <http://bit.ly/2vVQvtc>; Al-Monitor, *Turkish-YPG Clashes Rage Around Critical Sites in Northern Syria*, 17 July 2017, <http://almon.co/2w4r>; Reuters, *Exclusive: Kurdish YPG Militia Expects Conflict with Turkey in Northern Syria*, 5 July 2017, <http://reut.rs/2sHo55Y>.

<sup>30</sup> Action Group for Syria, *Final Communiqué*, 30 June 2012, <http://bit.ly/1frv9nv>. See also, UN Office at Geneva, *Intra-Syrian Talks – Key Dates of the Peace Process*, accessed 30 October 2017, <http://bit.ly/2zhvVds>.

<sup>31</sup> The seventh round of UN-led intra-Syria talks in Geneva in mid-July 2017 reportedly ended with no breakthrough. At the time of writing, the parties are expected to reconvene on 28 November 2017; UN Secretary-General, *Briefing to the Security Council by Staffan De Mistura, Special Envoy to the Secretary-General [as Delivered]*, 26 October 2017, <http://bit.ly/2gXhD2d>; UN News Centre, *Syria Talks End with 'Incremental Progress' but 'no Breakthrough' – UN Envoy*, 15 July 2017, <http://bit.ly/2xNmMkk>.

<sup>32</sup> UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 8 August 2017, <http://www.refworld.org/docid/59b24fe14.html>, para. 8; Global Centre for the Responsibility to Protect, *Syria, R2P Monitor*, Issue 34, 15 July 2017, <http://bit.ly/2gMvR94>, p. 2; UN Human Rights Council, *Human Rights Abuses and International Humanitarian Law Violations, 21 July 2016 - 28 February 2017*, 10 March 2017, <http://www.refworld.org/docid/58c80d884.html>, para. 7; UN News Centre, *Syria: Security Council Unites in Support of Russia-Turkey Efforts to End Violence, Jumpstart Political Process*, 31 December 2016, <http://bit.ly/2uGFTLA>; BBC, *Syria War: Aleppo Ceasefire Ends with Clashes*, 22 October 2016, <http://bbc.in/2f3ooR9>; Deutsche Welle (DW), *Syrian Army Declares End of Ceasefire*, 19 September 2016, <http://bit.ly/2Is5GqA>; BBC, *Syria War: Cessation of Hostilities Comes into Effect*, 12 September 2016, <http://bbc.in/2cli04R>; Associated Press, *Fierce Fighting near Aleppo as Syria Cease-Fire Starts to Unravel*, 2 April 2016, <http://cbsn.ws/1pUaBgP>; UN, *Security Council Endorses Syria Cessation of Hostilities Accord, Unanimously Adopting Resolution 2268 (2016)*, 26 February 2016, <http://bit.ly/2fEFiar>.

<sup>33</sup> UN Security Council, *Letter Dated 29 December 2016 from the Permanent Representative of the Russian Federation to the UN and the Chargé d'Affaires a.i. of the Permanent Mission of Turkey to the UN Addressed to the UN SG and the President of the UN SC (S/2016/1133)*, 29 December 2016, <http://bit.ly/2hWPOOI>.

<sup>34</sup> UN Security Council, *Security Council Supports Russian Federation-Turkey Efforts to End Violence in Syria, Jump-start Political Process, Adopting Resolution 2336 (2016)*, SC/12663, 31 December 2017, <http://bit.ly/2hAmapp>; UN Security Council, *Security Council Resolution*

with few results.<sup>35</sup> The fourth round of meetings in Astana resulted in the issuance of a “Memorandum on the creation of de-escalation areas in the Syrian Arab Republic”, signed by Iran, Russia and Turkey on 4 May 2017. The Memorandum provides for the establishment of four non-contiguous de-escalation areas in areas held by anti-government armed groups, initially for six months, in Idlib Governorate and adjacent areas (parts of Aleppo, Hama, and Latakia Governorates), parts of northern Homs Governorate, the Eastern Ghouta suburbs of Damascus (Rural Damascus Governorate), and along the Jordanian border in southern Syria (parts of Dera’a and Quneitra Governorates). The memorandum calls for hostilities between Syrian government forces and anti-government armed groups, including airstrikes, to cease within the de-escalation areas and for the creation of conditions for humanitarian access, medical assistance, the return of displaced civilians and the restoration of damaged infrastructure.<sup>36</sup> Neither the Syrian Government nor representatives of the Syrian opposition signed the memorandum.<sup>37</sup> As with earlier initiatives, ISIS and Al-Qaeda-linked groups are explicitly excluded from the agreement.<sup>38</sup> In July 2017, a de-escalation agreement was reached between Jordan, Russia and the US concerning the south-western part of Syria, with a truce coming into effect on 9 July 2017.<sup>39</sup> On 22 July 2017, a de-escalation agreement was also announced by Russia and anti-government armed groups for Eastern Ghouta (Rural Damascus), which was followed on 24 August 2017 by the signing of a truce between the main anti-government armed groups.<sup>40</sup> Subsequently, in early August 2017, a de-escalation agreement was announced by Russia for the northern countryside of Homs Governorate, with a truce coming into effect between government forces and anti-government armed groups.<sup>41</sup> The sixth round of talks in Astana in mid-September 2017 reportedly produced a signed agreement delineating these three de-escalation zones, as well as a fourth one in north-west Syria.<sup>42</sup> The guarantors Russia, Turkey and Iran announced the deployment of “de-escalation control forces” along the borders of the zone in north-west Syria “with the aim to prevent incidents and clashes between the conflicting parties”.<sup>43</sup> Although a discernible easing in the intensity of violence has been observed in some of these de-

2336 (2016) [on the Situation in the Middle East (Syria)], 31 December 2016, S/RES/2336 (2016), <http://www.refworld.org/docid/586e43870.html>.

- <sup>35</sup> Reuters, *Syria Peace Talks in Astana Close with no Sign of Rebels*, 15 March 2017, <http://reut.rs/2nmeWfX>; Voice of America, *Astana Talks on Syria to Continue Despite Setbacks*, 18 February 2017, <http://bit.ly/2uuKDrz>; Reuters, *As Talks Falter, Moscow Finds Brokering Syria Peace Trickier than Waging War*, 16 February 2017, <http://reut.rs/2lmZ0sz>.
- <sup>36</sup> Ministry of Foreign Affairs of the Russian Federation, *Memorandum on the Creation of De-Escalation Areas in the Syrian Arab Republic*, 6 May 2017, <http://bit.ly/2q7yOFz>. According to reports, more than 2.5 million people are believed to live in these de-escalation zones; Al Jazeera, *Syria's 'De-Escalation Zones' Explained*, 4 July 2017, <http://aje.io/twh6>. See also, Voice of America, *New Cease-Fire in Syria Holds, Observers Report*, 3 August 2017, <http://bit.ly/2u5GbLE>; IRIN, *Can a Deal in Astana Wind Down the Six-Year Syrian War?*, 5 May 2017, <http://bit.ly/2uCyqB9>; UN, *Secretary-General, Encouraged by Agreement on De-escalating Violence in Syria, Stresses Need to See It Actually Improve Lives of Citizens*, 4 May 2017, <http://bit.ly/2wAehZQ>.
- <sup>37</sup> NPR, *Syrian Foreign Minister Says Damascus Supports Deal Creating 'De-Escalation Zones'*, 8 May 2017, <https://n.pr/2pnlnfi>; IRIN, *Can a Deal in Astana Wind Down the Six-Year Syrian War?*, 5 May 2017, <http://bit.ly/2uCyqB9>.
- <sup>38</sup> The New York Times, *Syria Rejects U.N. Monitoring Role in 'De-Escalation Zones'*, 8 May 2017, <https://nyti.ms/2pY24NM>; VOX, *Russia Has a Plan for Winding Down Syria's War. Too Bad both Sides Want to Keep Fighting*, 5 May 2017, <http://bit.ly/2vLgnIA>.
- <sup>39</sup> On the sidelines of the G20 Summit in Hamburg in early July 2017, the US and Russia, along with Jordan, agreed to a ceasefire in south-west Syria, which came into effect on 9 July 2017, covering the Governorates of Dera’a, Quneitra and parts of Suweida Governorate; Al-Monitor, *US, Russia Agree on Ceasefire in South Syria from Sunday: Lavrov*, 7 July 2017, <http://bit.ly/2uukQj8>; American Broadcasting Company (ABC), *US, Russia and Jordan Agree to Southwest Syria Cease-Fire*, 7 July 2017, <http://abcn.ws/2sPnSOK>.
- <sup>40</sup> UN Security Council, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015) and 2332 (2016)*, 21 September 2017, S/2017/794, <http://www.refworld.org/docid/59d4dc8a4.html>, para. 3; Reuters, *Syrian Rebels near Damascus Brace for Expected Army Assault on Last Enclave*, 8 August 2017, <https://reut.rs/2hGJgQD>; Al Jazeera, *Russia: New Ceasefire Deal Agreed in Syria's Ghouta*, 23 July 2017, <http://aje.io/6buc3>.
- <sup>41</sup> The agreement reportedly covers the towns of Talbiseh, Ar-Rastan and Houla, as well as dozens of small settlements; Associated Press, *Russian Military Police Deploy North of Syrian City of Homs*, 4 August 2017, <http://bit.ly/2vOBoTk>; BBC, *Syria War: Homs Ceasefire Deal Announced*, 3 August 2017, <http://bbc.in/2w9Xhtj>.
- <sup>42</sup> Al Jazeera, *Final De-Escalation Zones Agreed on in Astana*, 15 September 2017, <http://aje.io/eus2n>. The next round of Astana talks is scheduled for 31 October 2017; Al Jazeera, *Syrian War: All You Need to Know about the Astana Talks*, 30 October 2017, <http://aje.io/hvp8h>; UN Secretary-General, *Briefing to the Security Council by Staffan De Mistura, Special Envoy to the Secretary-General [as Delivered]*, 26 October 2017, <http://bit.ly/2gXhd2d>; Permanent Mission of the Russian Federation to the European Union, *Joint Statement by Iran, Russia and Turkey on the International Meeting on Syria in Astana 14-15 September 2017*, 18 September 2017, <http://bit.ly/2fUpVLz>.
- <sup>43</sup> At the time of writing, the details concerning the implementation of a de-escalation zone in north-west Syria, which in large part is under control of HTS, remain unclear. In mid-October 2017, Turkey, according to Turkish military sources, deployed troops “to establish observation posts” and enforce the de-escalation zone in Idlib Governorate; Voice of America, *What Is Turkey Up to in Syria?*, 16 October

escalation areas, breaches reportedly occur and fighting continues or has escalated in others,<sup>44</sup> with September 2017 reportedly having been the deadliest month for civilians in 2017.<sup>45</sup> Furthermore, the creation of de-escalation zones has reportedly not yet resulted in a sustained increase in humanitarian access.<sup>46</sup>

In parallel to the above-mentioned attempts to achieve a reduction in hostilities at the national or sub-national level, tenuous local ceasefires have been brokered in some areas between government and anti-government armed groups, which have reportedly resulted in a reduction of fighting at the local level.<sup>47</sup> Such local agreements have increasingly been accompanied by the partial or complete evacuation of anti-government fighters and civilians from these areas, mostly to areas held by anti-government armed groups in Idlib and Aleppo Governorates.<sup>48</sup> In several instances, these agreements have reportedly resulted in the forcible displacement of civilians.<sup>49</sup> Some of the localities from which populations have been evacuated have subsequently become military zones to which the original population has not been permitted to return.<sup>50</sup>

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2017, <http://bit.ly/2gJhIXI>; Al Jazeera, *Turkish Troops Enter Northern Syria in New Operation*, 13 October 2017, <http://aje.io/m999y>; OHCHR, *Syria: Monthly Human Rights Digest – September 2017*, 6 October 2017, <http://www.refworld.org/docid/59db24594.html>, p. 3. See also, Reuters, *Exclusive: Turkey to Deploy Troops Inside Syria's Idlib – Erdogan*, 21 September 2017, <https://reut.rs/2xUB0Ud>; Permanent Mission of the Russian Federation to the European Union, *Joint Statement by Iran, Russia and Turkey on the International Meeting on Syria in Astana 14-15 September 2017*, 18 September 2017, <http://bit.ly/2fUpVLz>.

44 OHCHR, *Syria: Suffering of Civilians in Eastern Ghouta “an Outrage” – Zeid*, 27 October 2017, <https://shar.es/1PCbac>; See also Global Centre for the Responsibility to Protect, *Populations at Risk – Syria*, last updated 15 October 2017, <http://bit.ly/1elMEBr>; DW, *Renewed Fighting in Syria Intensifies, even in ‘De-Escalation Zones’*, 5 October 2017, <http://p.dw.com/p/2IfwM?tw>; UN Security Council, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015) and 2332 (2016)*, 21 September 2017, S /2017/794, <http://www.refworld.org/docid/59d4dc8a4.html>, para. 3, Box 2/para. 2, para 11; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 8 August 2017, <http://www.refworld.org/docid/59b24fe14.html>, paras 7, 10, 17; Al Jazeera, *Syrian Army Bombs ‘Safe Zones’ Killing Civilians*, 10 August 2017, <http://aje.io/vj3kz>; Reuters, *Rockets, Gunfire Test New Russia-Backed Truce near Syria's Homs: Monitor*, 4 August 2017, <https://reut.rs/2wdb2Hm>.

45 “September was the deadliest month of 2017 for civilians with daily reports of attacks on residential areas resulting in hundreds of conflict-related deaths and injuries”; UN Office for the Coordination of Humanitarian Affairs (OCHA), *Statement by Panos Moutzisz, the Regional Humanitarian Coordinator for the Syria Crisis on the Recent Escalation of Violence in Syria*, 5 October 2017, <http://bit.ly/2iIJbho>. “The violence is not only taking place in Raqqa, Deir Ezzor, and western rural Aleppo, but also in many of the de-escalation areas, such as Idleb, rural Hama, and Eastern Ghouta. Taken together, these are the worst levels of violence since the battle for Aleppo in 2016”; International Committee of the Red Cross (ICRC), *Syria: Harrowing Civilian Losses in most Intense Violence since Battle for Eastern Aleppo*, 5 October 2017, <http://bit.ly/2kp5sji>.

46 UN Secretary-General, *Briefing to the Security Council by Staffan De Mistura, Special Envoy to the Secretary-General [as Delivered]*, 26 October 2017, <http://bit.ly/2gXhD2d>; UN Security Council, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015) and 2332 (2016)*, 21 September 2017, S /2017/794, <http://www.refworld.org/docid/59d4dc8a4.html>, para. 42. See also below “Humanitarian Situation” (Section II.E) and sources referenced therein.

47 European University Institute (EUI), *“Local Reconciliation Agreements” in Syria: a Non-Start for Peacebuilding*, June 2017, <http://bit.ly/2jtZa1I>, p. 1 (hereafter: EUI, “Local Reconciliation Agreements”, June 2017, <http://bit.ly/2jtZa1I>).

48 Since mid-2016, Idlib Governorate and Rural Aleppo have seen the arrival of thousands of people who were evacuated from government-besieged areas under local agreements concluded between the Government and anti-government armed groups, including from the Governorates of Damascus (Tishreen, Qaboun and Barzeh), Rural Damascus (Darayya, Khan El-Shih, Moadamiyeh Ash-Sham, Qudsayya, Hameh, Madaya, Zabadani, Al-Tall and Wadi Barada), Aleppo (Eastern Aleppo city) and Homs (Al-Wa’er). In the case of the so-called “Four-Town Agreement”, the evacuations involved civilians and fighters from the towns of Fu’ah and Kefraya (Idlib Governorate), which are under siege by anti-government armed groups.

49 “Local truces, including the Four Towns Agreement, comprising Fu’ah, Kafraya, Madaya, and Zabadani, have brought sieges to an end. Some truces incorporated evacuation agreements which resulted in the forced displacement of civilians. These included three of the ‘Four towns’ as well as Barza, Qabun and Tishreen in eastern Damascus. Civilians did not voluntarily leave their homes, their communities or their places of refuge. Rather, most were never consulted. They left because they felt they had no other choice, and feared reprisals if they stayed”; UN Human Rights Council, *Statement by Mr. Paulo Sérgio Pinheiro, Chair of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 18 September 2017, <https://shar.es/1VUd1u>. For further information and the qualification of a number of these evacuation as “forcible displacement”, see “Violations and Abuses of Human Rights Law and Violations of International Humanitarian Law – Government Forces” (Section II.C.1), “Violations and Abuses of Human Rights Law and Violations of International Humanitarian Law – Anti-Government Armed Groups, Including Jabhat Fatah Al-Sham” (Section II.C.3), “Persons Opposing, or Perceived to Be Opposing, the Government” (Section III.A.1) and “Members of Religious and Minority Ethnic Groups” (Section III.A.8) and sources referenced therein. f

50 EUI, “Local Reconciliation Agreements”, June 2017, <http://bit.ly/2jtZa1I>, p. 9. See also, Syria Comment (Blog), *Reconciliations: The Case of al-Sanamayn in North Deraa*, 27 April 2017, <http://bit.ly/2qotmRS>.

As international efforts to find a political solution to the conflict in Syria have yet to yield results, the conflict continues with devastating consequences for the Syrian population,<sup>51</sup> including rising civilian casualties,<sup>52</sup> large-scale displacement inside and outside the country,<sup>53</sup> and an unprecedented humanitarian crisis.<sup>54</sup>

## B. Civilian Casualties

Estimates of the number of persons killed as a result of the conflict since 2011 range from 109,000 to 500,000.<sup>55</sup> In addition, tens of thousands of Syrians remain reportedly missing.<sup>56</sup> Based on statistics from the Violation Documentation Center (VDC), the greatest number of civilian casualties has been recorded in the Governorate of Aleppo, followed by Rural Damascus, Homs, Idlib, Dera'a, Deir Ez-Zour, Hama, Damascus and Raqqa Governorates.<sup>57</sup> The vast majority of civilians are reported to have died as a result of

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<sup>51</sup> “While the war on ISIL has achieved tangible results, civilians continue to bear the brunt of the conflict (...). The multiplication of active military actors on the ground or groups supported by proxy continues and could become a formidable obstacle to achieving a coherent political settlement”; UN Human Rights Council, *Human Rights Abuses and International Humanitarian Law Violations, 21 July 2016 - 28 February 2017*, 10 March 2017, <http://www.refworld.org/docid/58c80d884.html>, para. 14.

<sup>52</sup> See below, “Civilian Casualties” (Section II.B) and sources referenced therein.

<sup>53</sup> See below, “Forced Displacement and Returns” (Section II.D) and sources referenced therein.

<sup>54</sup> See below, “Humanitarian Situation” (Section II.E) and sources referenced therein.

<sup>55</sup> There are several data sets on casualties in Syria based on different methodologies (including varying definitions of who is a civilian and a non-civilian), and the totals recorded by each source vary considerably. The Violation Documentation Center (VDC) has recorded the names of over 109,000 civilians who have been killed by conflict-related violence, including over 77,500 men, over 12,200 women and over 19,200 children; VDC, *Killed*, accessed 30 October 2017, <http://bit.ly/1qhkOfN>. The Syrian Network for Human Rights (SNHR) has documented the deaths of over 212,700 civilians who have been killed between March 2011 and 1 September 2017. This figure includes over 24,300 women and 26,000 children; SNHR, *Civilian Victims’ Toll*, last updated 1 September 2017, <http://sn4hr.org/>. The UN stopped collecting casualty statistics in early 2014, citing lack of access and diminishing confidence in data sources. In August 2017, the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Stephen O’Brien, put out an estimate of between 300,000 and 500,000 Syrians having been killed in the conflict; OCHA, *Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Stephen O’Brien, Statement to the Security Council on Syria*, 30 August 2017, <http://bit.ly/2hxN5VD>, p. 2; Time, *UN to Stop Updating Syria Death Toll*, 7 January 2014, <http://ti.me/1achNKN>. The Syrian Observatory for Human Rights (SOHR), by 15 July 2017, documented the death of 331,700 persons, including over 99,600 civilians (70,001 men, 11,427 women and 18,243 children). SOHR counts civilians who have taken up arms against the government as “civilians”; SOHR, *About 475 Thousand Persons Were Killed in 76 Months of the Syrian Revolution and more than 14 Million Were Wounded and Displaced*, 16 July 2017, <http://www.syriahr.com/en/?p=70012>. According to the Syrian Center for Policy Research (SCPR), 470,000 persons have been killed by violence since 2011. According to SCPR, the loss of life was the “most catastrophic visible and direct” impact of the conflict, with life expectancy having dropped from 70.5 years in 2010 to an estimated 55.4 years in 2015; SCPR, *Confronting Fragmentation – Impact of Syrian Crisis Report*, 11 February 2016, <http://bit.ly/2iTMkdd> (hereafter: SCPR, *Impact of Syrian Crisis Report*, 11 February 2016, <http://bit.ly/2iTMkdd>), pp. 8, 42, 61; The Guardian, *Report on Syria Conflict Finds 11.5% of Population Killed or Injured*, 11 February 2016, <http://bit.ly/29L6Juu>. See also, United States Congressional Research Service, *Counting Casualties in Syria and Iraq: Process and Challenges*, 12 April 2016, <http://www.refworld.org/docid/57284db94.html>. According to the Action Group for Palestinians of Syria (AGPS), a London-based human rights organization, the conflict has resulted in the deaths of 3,600 Palestinians, both civilians and fighters, most of whom died in Yarmouk (Damascus), followed by Dera’a Camp. Over 460 of those killed were reported to be women; AGPS, *Victims Data Table*, accessed 30 October 2017, <http://bit.ly/2vsyzag>; AGPS, *Palestinians of Syria: October 24, 2017 Statistics*, 25 October 2017, <http://bit.ly/2z9g4cT>.

<sup>56</sup> SOHR, *About 475 Thousand Persons Were Killed in 76 Months of the Syrian Revolution and more than 14 Million Were Wounded and Displaced*, 16 July 2017, <http://bit.ly/2vaQKOB>; OCHA, *2017 Humanitarian Needs Overview: Syrian Arab Republic*, 1 December 2016, <http://bit.ly/2kCi16M> (hereafter: OCHA, *2017 Humanitarian Needs Overview*, 1 December 2016, <http://bit.ly/2kCi16M>), p. 16; Al Jazeera, *The Disappeared of Syria*, 13 November 2016, <http://bit.ly/2eWF5Nd>; Al Jazeera, *Syria: Forced Disappearances*, 18 August 2016, <http://aje.io/mlfi>; UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 11 August 2016, A/HRC/33/55, <http://www.refworld.org/docid/57d015fd4.html> (hereafter: UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 11 August 2016, <http://www.refworld.org/docid/57d015fd4.html>), paras 78-86.

<sup>57</sup> See civilian deaths by governorate: VDC, *Killed*, accessed 30 October 2017, <http://bit.ly/1qhkOfN>.

aerial bombardment and shelling.<sup>58</sup> In areas controlled by extremist factions, there are growing concerns with the mounting number of civilian victims as a result of intensified airstrikes.<sup>59</sup>

Many civilians, including many women and children, have reportedly died prematurely of infectious and non-infectious chronic diseases due to the lack of adequate health care.<sup>60</sup> In addition, up to two million people have reportedly been wounded as a direct result of the conflict, often leading to long-term disabilities,<sup>61</sup> while many more are suffering from the psychological consequences of having been witness to violence, the loss of family members, displacement and deprivation.<sup>62</sup>

### C. Violations and Abuses of Human Rights Law and Violations of International Humanitarian Law

According to reports, parties to the conflict commit war crimes, other serious violations of IHL and serious violations and abuses of human rights law, including acts amounting to crimes against humanity, with

<sup>58</sup> According to the UK-based charity Action on Armed Violence (AOAV), civilian deaths as a result of airstrikes in Syria have risen by 42 per cent in the first half of 2017 compared to the same period in 2016; AOAV, *Latest Figures Reveal Sharp Rise in Civilian Deaths from Airstrikes Globally*, 20 July 2017, <http://bit.ly/2vQM4wv>. The majority of civilian deaths documented by VDC since 2011 have been attributed to “warplane shelling” (31,318 civilian deaths), “shelling” (31,167 civilian deaths), and “shooting” (20,757 civilian deaths). Other deaths were reportedly caused, *inter alia*, by “field executions” (9,016 civilian deaths) and torture/execution in detention (7,941 civilian deaths); VDC, *Killed*, accessed 30 October 2017, <http://bit.ly/1qhkOfN>. According to the SNHR, in 2016, aerial bombardments killed at least 55 per cent of the total number of victims, while shelling with heavy artillery and tanks killed 14 per cent; SNHR, *The Seven Main Parties that Kill Civilians in Syria in 2016*, 21 January 2017, <http://bit.ly/2IJ1KQv>. According to AGPS, most of the Palestinians killed reportedly died as a result of bombardments (1,147), while others were killed as a result of gunshots (942) or torture in detention (474); AGPS, *Statistics*, accessed 30 October 2017, <http://bit.ly/2x3T6i2>. See also, IRIN, *How Syrians Are Being Killed*, 25 July 2016, <http://bit.ly/2ao7FGi>.

<sup>59</sup> ICRC, *Syria: Harrowing Civilian Losses in Most Intense Violence since Battle for Eastern Aleppo*, 5 October 2017, <http://bit.ly/2xYeerW>; Radio Free Europe/Radio Liberty, *Syrian Monitor Reports 3,055 Deaths In September, Highest Monthly Total In 2017*, 2 October 2017, <http://bit.ly/2wxlbic>; Human Rights Watch (HRW), *All Feasible Precautions? Civilian Casualties in Anti-ISIS Coalition Airstrikes in Syria*, 24 September 2017, <http://www.refworld.org/docid/59ca4bbe4.html>; SNHR, *772 Civilians Killed in August 2017: International Coalition Forces Kill more Civilians than any other Party*, 4 September 2017, <http://bit.ly/2z6v5cw>; OHCHR, *Battle to Regain Raqqa Must not Be about Defeating ISIL at all Costs – Zeid*, 31 August 2017, <http://bit.ly/2eHglpf>; UN Secretary-General, *Children and Armed Conflict*, 24 August 2017, A/72/361–S/2017/821, <http://www.refworld.org/docid/59db4a194.html> (hereafter: UN Secretary-General, *Children and Armed Conflict* 24 August 2017, <http://www.refworld.org/docid/59db4a194.html>, para. 177; Amnesty International, *Syria – ‘I Won’t Forget This Carnage’*, *Civilians Trapped in Battle for Raqqa*, 23 August 2017, <http://www.refworld.org/docid/599ec9174.html>.

<sup>60</sup> According to a study by the World Bank, “[M]ore people may have been killed in Syria due to a breakdown of the health system than due to direct fatalities from the fighting”; World Bank, *The Toll of War: The Economic and Social Consequences of the Conflict in Syria*, 10 July 2017, <http://bit.ly/2A6nTgx> (hereafter: World Bank, *The Economic and Social Consequences of the Conflict in Syria*, 10 July 2017, <http://bit.ly/2A6nTgx>), pp. 40–41. See also, OCHA, *2017 Humanitarian Needs Overview*, 1 December 2016, <http://bit.ly/2kCi16M>, pp. 10–11, 43; Syria Direct, *More Syrians Dying from Preventable Illnesses than Bombs*, 16 June 2016, <https://shar.es/19DDZn>; The Guardian, *Report on Syria Conflict Finds 11.5% of Population Killed or Injured*, 11 February 2016, <http://bit.ly/29L6Juu>; Mohammed Z. Sahloul et. al., *War is the Enemy of Health – Pulmonary, Critical Care, and Sleep Medicine in War-Torn Syria*, in: *Annals of the American Thoracic Society*, Volume 13 Number 2, February 2016, <http://bit.ly/21YhxeQ>, p. 147.

<sup>61</sup> At the end of 2016, SOHR estimated that more than two million people have been injured in Syria since March 2011; SOHR, *About 450 Thousand Were Killed and more than Two Millions Were Injured in 69 Months of the Start of the Syrian Revolution*, 23 December 2016, <http://www.syriaahr.com/en/?p=56923>. The SCPR estimated that by the end of 2015, an estimated 11.5 per cent of the population inside Syria had been killed, injured or maimed due to armed conflict; SCPR, *Impact of Syrian Crisis Report*, 11 February 2016, <http://bit.ly/2iTMkdd>, pp. 8, 51. According to estimates from the UN’s Health Sector, some 30,000 people suffer conflict-related trauma injuries each month. Approximately 30 per cent of these are estimated to develop permanent disabilities due to injuries requiring amputation, peripheral nerve damage or spinal injuries. An estimated 2.8 million people in Syria live with permanent disabilities; OCHA, *2017 Humanitarian Needs Overview*, 1 December 2016, <http://bit.ly/2kCi16M>, pp. 6, 7, 11, 16, 42.

<sup>62</sup> “The effects of conflict on Syrian mental health and psychosocial wellbeing are profound. Experiences of conflict-related violence and concerns about the situation in Syria are compounded by the daily stressors of displacement, including poverty, lack of basic needs and services, on-going risks of violence and exploitation, isolation and discrimination, loss of family and community supports, and uncertainty about the future”; G. Hassan et al., *Culture, Context and the Mental Health and Psychosocial Wellbeing of Syrians*, 2015, <http://www.unhcr.org/55f6b90f9.pdf>, p. 43. It is estimated that one in five Syrians has moderate mental health issues, and 1 in 30 is at risk of developing severe or acute mental health needs; OCHA, *2017 Humanitarian Needs Overview*, 1 December 2016, <http://bit.ly/2kCi16M>, p. 43. See also Brookings Institution, *Syria’s Mental Health Crisis*, 25 April 2016, <http://brook.gs/2bItVq>.

widespread impunity,<sup>63</sup> leaving civilians to bear the brunt of the conflict.<sup>64</sup> The situation in Syria has been described as a “slaughterhouse, a complete meltdown of humanity, the apex of horror.”<sup>65</sup>

### 1) Government Forces

Reports by the Office of the United Nations High Commissioner for Human Rights (OHCHR), the Independent International Commission of Inquiry and human rights organizations accuse government forces of perpetrating war crimes, crimes against humanity, as well as of serious violations of human rights law.<sup>66</sup> Indiscriminate and direct attacks on civilians<sup>67</sup> and civilian infrastructure,<sup>68</sup> medical facilities and

<sup>63</sup> UN Security Council, *Security Council Resolution 2332 (2016) [on the Humanitarian Situation in the Syrian Arab Republic and Renewal of Authorization of Relief Delivery and Monitoring Mechanism until 18 Jan. 2018]*, 21 December 2016, S/RES/2332 (2016), <http://www.refworld.org/docid/587f6ec74.html>. In an effort to address mounting impunity in Syria, on 21 December 2016, the UN General Assembly adopted a resolution to establish an independent panel to assist in the investigation and prosecution of those responsible for war crimes or crimes against humanity in Syria; Al Jazeera, *Former French Judge to Lead UN Syria War Crimes Probe*, 4 July 2017, <http://aje.io/7n46>; UN General Assembly, *International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Those Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011*, 19 December 2016, A/71/L.48, <http://www.refworld.org/docid/591c41704.html>. See also, UN News Service, *UN Chief Appoints Head of Panel Laying Groundwork for Possible War Crimes Probe in Syria*, 3 July 2017, <http://bit.ly/2smdSb1>.

<sup>64</sup> “Violence continues to be directed against civilians, with complete disrespect for civilian protection (...)”; OHCHR, *Statement by Mr. Paulo Sérgio Pinheiro*, 14 June 2017, <https://shar.es/1T4yBj>. See also, UN News Service, *Protection of Civilians in Syria Must Be Ensured, Stresses UN Chief Guterres*, 21 June 2017, <http://www.refworld.org/docid/594bb1af4.html>; UN Human Rights Council, *Human Rights Abuses and International Humanitarian Law Violations, 21 July 2016 - 28 February 2017*, 10 March 2017, <http://www.refworld.org/docid/58c80d884.html>, para. 104 and consecutive reports by the Independent International Commission of Inquiry, available at: <http://bit.ly/2la15rZ>.

<sup>65</sup> OCHA, *Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Stephen O’Brien Statement to the Security Council on Syria*, New York, 26 January 2017, <http://bit.ly/2gW0s1e>.

<sup>66</sup> “Crimes against humanity continue to be committed by government forces (...). War crimes are rampant”; UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 11 February 2016, A/HRC/31/68, <http://www.refworld.org/docid/56d6b3843ea.html> (hereafter: UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 11 February 2016, <http://www.refworld.org/docid/56d6b3843ea.html>), para. 148. “The Office of the United Nations High Commissioner for Human Rights (OHCHR) documented a wide range of human rights violations by government forces and armed groups affiliated with the Government, including violations of the right to life, the right to be free from torture or cruel, inhuman, or degrading treatment or punishment, the right to liberty and security of person, the right to liberty of movement, the right to freedom of association and the right to freedom of expression”; UN General Assembly, *Situation of Human Rights in the Syrian Arab Republic*, 9 June 2016, A/70/919, <http://www.refworld.org/docid/576a33aa4.html> (hereafter: UN General Assembly, *Situation of Human Rights*, 9 June 2016, <http://www.refworld.org/docid/576a33aa4.html>), para. 7. See also Global Centre for the Responsibility to Protect, *Populations at Risk – Syria*, last updated 15 October 2017, <http://bit.ly/1elMEBr>; and successive reports of the Independent International Commission of Inquiry on the Syrian Arab Republic available at: <http://bit.ly/2la15rZ>.

<sup>67</sup> On the deliberate targeting of civilian neighbourhoods, towns and villages perceived to be opposing the government, see below “*Persons Opposing, or Perceived to Be Opposing, the Government*” (Section III.A.1) and sources referenced therein.

<sup>68</sup> The Washington Post, *Syrian Government Shelling Kills 11, Hits School*, 29 October 2017, <http://wapo.st/2xzD0O4>; Voice of America, *Syrian Airstrike on Idlib Province Market Kills 6*, 8 October 2017, <http://bit.ly/2y9jtHI>; The Guardian, *Syrian Doctors Decry Fresh Wave of Hospital Attacks*, 29 September 2017, <http://bit.ly/2xRVpIG>; UN Security Council, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015) and 2332 (2016)*, 21 September 2017, S/2017/794, <http://www.refworld.org/docid/59d4dc8a4.html>, para. 16; UN Secretary-General, *Children and Armed Conflict* 24 August 2017, <http://www.refworld.org/docid/59db4a194.html>, paras 180-181; HRW, *Syria: Airstrike on School Kills Civilians*, 12 July 2017, <http://www.refworld.org/docid/59661e524.html>; UN Human Rights Council, *Human Rights Abuses and International Humanitarian Law Violations, 21 July 2016 - 28 February 2017*, 10 March 2017, <http://www.refworld.org/docid/58c80d884.html>, paras 20-37. See also below “*Persons Opposing, or Perceived to Be Opposing, the Government*” (Section III.A.1) and sources referenced therein.



medical workers,<sup>69</sup> as well as humanitarian staff and objects,<sup>70</sup> have reportedly emerged as a pattern of violations carried out by Syrian government forces.<sup>71</sup> According to reports, government forces have used weapons in an indiscriminate manner, including artillery, airstrikes, barrel bombs, incendiary weapons, cluster munitions and chemical weapons.<sup>72</sup> Government forces are also reported to maintain sieges of a number of opposition-held areas, reportedly using starvation of civilians as a weapon of war, and regularly subject these besieged areas to sustained shelling and bombing campaigns.<sup>73</sup> The Syrian Government has also been accused of forcibly displacing civilians in the context of population transfers or evacuations.<sup>74</sup>

- <sup>69</sup> “Since its inception, attacks against medical facilities and medical personnel have been a tragic hallmark of the Syrian conflict.” And further: “The number and frequency of attacks against health-care facilities, particularly repeated bombardments of the same facilities and routine lack of warnings, clearly indicate that pro-Government forces continue to intentionally target such facilities as part of a warring strategy, amounting to the war crime of deliberately attacking protected objects”; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 8 August 2017, <http://www.refworld.org/docid/59b24fe14.html>, paras 62, 66. In response to a string of attacks on hospitals in Idlib Governorate by government forces and its allies in September 2017, Marianne Mollman, director of research and investigations at Physicians for Human Rights (PHR) was quoted as saying, “[W]hat we saw last week was direct hits on hospitals as the start of intensive bombardments of civilian areas (...). So what that tells us is that this looks like a strategy to punish the civilian population and take out the hospitals so that healthcare is impossible”; Al Jazeera, *Rights Group Condemns Attacks on Syrian Hospitals*, 28 September 2017, <http://bit.ly/2xILjkV>. According to the Safeguarding Health in Conflict Coalition, Syria ranked the worst country of 23 countries affected by conflict in 2016 in terms of attacks on hospitals and other medical facilities. The vast majority of attacks are reportedly carried out by government forces with Russian support; Safeguarding Health in Conflict, *Impunity Must End: Attacks on Health in 23 Countries in Conflict in 2016*, 3 May 2017, <http://bit.ly/2p9ie3r>; pp. 41-44. See also, UN Security Council, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015) and 2332 (2016)*, 21 July 2017, <http://www.refworld.org/docid/59881d6f4.html>, paras 11, 42; UN Human Rights Council, *Human Rights Abuses and International Humanitarian Law Violations, 21 July 2016 - 28 February 2017*, 10 March 2017, <http://www.refworld.org/docid/58c80d884.html>, paras 15-19. See also below “*Certain Professionals – Doctors and other Health Professionals*” (Section III.A.7) and sources referenced therein.
- <sup>70</sup> Following investigations into the reported attack on a humanitarian convoy on 19 September 2016 in Orum al-Kubra (Aleppo Governorate), the Independent International Commission of Inquiry concluded: “[T]he types of munitions used, the breadth of the area targeted and the duration of the attack strongly suggest that the attack was meticulously planned and ruthlessly carried out by the Syrian air force to purposefully hinder the delivery of humanitarian aid and target aid workers, constituting the war crimes of deliberately attacking humanitarian relief personnel, denial of humanitarian aid and targeting civilians”; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 2 February 2017, <http://www.refworld.org/docid/58b827094.html>, para. 88. See also, UN Human Rights Council, *Human Rights Abuses and International Humanitarian Law Violations, 21 July 2016 - 28 February 2017*, 10 March 2017, <http://www.refworld.org/docid/58c80d884.html>, paras 38-45. See also below “*Certain Professionals – Humanitarian Workers*” (Section III.A.7) and sources referenced therein.
- <sup>71</sup> UN Human Rights Council, *Human Rights Abuses and International Humanitarian Law Violations, 21 July 2016 - 28 February 2017*, 10 March 2017, <http://www.refworld.org/docid/58c80d884.html>, para. 105; Amnesty International, *Amnesty International Report 2016/17 – Syria*, 22 February 2017, <http://www.refworld.org/docid/58b033aba.html> (hereafter: Amnesty International, 2016/17 – Syria, 22 February 2017, <http://www.refworld.org/docid/58b033aba.html>); HRW, *World Report 2017 – Syria*, 12 January 2017, <http://www.refworld.org/docid/587b58196.html>.
- <sup>72</sup> France 24, *UN Panel Says Syrian Regime Behind Sarin Gas Attack*, 27 October 2017, <http://f24.my/20aH.T>; HRW, *Key Finding on Use of Chemical Weapons in Syria*, 5 October 2017, <http://www.refworld.org/docid/59db24e24.html>; Reuters, *Chemical Weapons Watchdog Found Sarin Used in March Syria Attack: Sources*, 4 October 2017, <https://reut.rs/2xggbmm>; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 8 August 2017, <http://www.refworld.org/docid/59b24fe14.html>, paras 67-77, 84, and Annex II; HRW, *Death by Chemicals – The Syrian Government's Widespread and Systematic Use of Chemical Weapons*, 1 May 2017, <http://www.refworld.org/docid/59098d584.html>; UN Human Rights Council, *Human Rights Abuses and International Humanitarian Law Violations, 21 July 2016 - 28 February 2017*, 10 March 2017, <http://www.refworld.org/docid/58c80d884.html>, paras 46-60, 107.
- <sup>73</sup> “In sieges imposed by pro-Government forces, the suffering of encircled populations is compounded by daily airstrikes that steadily destroy hospitals, markets, bakeries, schools and mosques. As casualties mount and critically needed infrastructure is decimated, civilian life is made impossible in a strategy intended to force surrender at the highest cost”; OHCHR, *Statement by Mr. Paulo Sérgio Pinheiro*, 14 June 2017, <https://shar.es/1T4yBj>. According to the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Stephen O’Brien, “The denial and delay of access, particularly to those in besieged locations, is a political calculation and a military tactic; this much is clear in Syria. We may speak about the practical elements of delay and denial – facilitation letters, inspections, checkpoints – but these are simply the manifestation of a mindset and approach by the Government of Syria to use civilian suffering as a tactic of war”; OCHA, *Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Stephen O’Brien, Statement to the Security Council on Syria*, New York, 30 May 2017, <http://bit.ly/2zqvAh8>. See also, UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 8 August 2017, <http://www.refworld.org/docid/59b24fe14.html>, para. 18, Annex III paras 1, 3; PHR, *Access Denied: UN Aid Deliveries to Syria's Besieged and Hard-to-Reach Areas*, March 2017, <http://bit.ly/2np6Y2D>. See also below “*Persons Opposing, or Perceived to Be Opposing, the Government*” (Section III.A.1) and sources referenced therein.
- <sup>74</sup> “Local truces in Fu’ah and Kafraya, in Madaya and Zabadani, and in Barza, Qabun and Tishreen have incorporated evacuation agreements that have resulted in the forced displacement of civilians from these areas”; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 8 August 2017, <http://www.refworld.org/docid/59b24fe14.html>, para. 82. “The evacuation agreements themselves also raise concerns and in some cases amount to war crimes. Instead of mitigating the impact of the conflict on civilians, they appear primarily motivated by the strategic considerations of the warring parties that negotiate them and

According to the UN and human rights observers, arbitrary arrest and enforced disappearance,<sup>75</sup> detention in life-threatening conditions,<sup>76</sup> torture and other forms of ill-treatment,<sup>77</sup> and summary or extra-judicial

generally eschew the participation of civilians. These evacuations are preceded by years of intentional attacks on civilian infrastructure, denial of access to food and basic medical care, and the denial of fundamental human rights, seriously calling into question the nature of any choice civilians are given to remain or leave. There is no voluntariness nor choice when those who stay often face the risk of being either arbitrarily arrested or forcibly conscripted. In despair, civilians see no option but to leave”; OHCHR, *Statement by Mr. Paulo Sérgio Pinheiro*, 14 June 2017, <https://shar.es/1T4yBj>; “The Assad regime in 2016 forcibly transferred thousands of people from rebel-held areas to other parts of the country; rebels were effectively forced to assent to the evacuations as a result of the “surrender or starve” strategy by which the government had blocked aid deliveries to rebel-held areas”; Freedom House, *Freedom in the World 2017 – Syria*, 8 June 2017, <http://www.refworld.org/docid/593a522f26.html>. The UN Secretary-General observed: “The United Nations has repeatedly expressed its concern at any local agreement that is preceded by the decimation of an area and results in the **forced displacement of some parts of the civilian population**. I would like to remind parties involved in such agreements that, under international humanitarian law, the forced displacement of civilians for reasons relating to the conflict is permissible solely in order to guarantee their security or for imperative military necessity. Forced displacement for any other reason relating to the conflict is prohibited and may constitute a war crime”; UN Security Council, *Implementation of Security Council Resolutions 2139 (2014), 2165, 2191 (2014), 2258 (2015) and 2332 (2016)*, 19 April 2017, S/2017/339, <http://www.refworld.org/docid/590727364.html>, para. 52. See also, OHCHR, *Monthly Human Rights Digest Syria*, April 2017, 30 April 2017, <http://www.refworld.org/docid/59bb82894.html>, pp. 4-7. See also “*Persons Opposing, or Perceived to Be Opposing, the Government*” (Section III.A.1) and sources referenced therein.

<sup>75</sup> “Even before the crisis began in 2011, Syrian authorities followed a policy of forcibly disappearing people for peaceful political opposition, critical reporting, and human rights activism. The use of enforced disappearances dramatically escalated since the uprising (...). Human Rights Watch has documented Syrian authorities’ systematic use of enforced disappearances, which frequently result in torture, death, and the absence of any information about the victim”; HRW, *Syria: Talks Should Address ‘Disappeared’*, 30 August 2017, <http://www.refworld.org/docid/59aeb7484.html>. “Government forces held thousands of detainees without trial, often in conditions that amounted to enforced disappearance, adding to the tens of thousands whose fate and whereabouts remained undisclosed following their enforced disappearance by government forces since 2011”; Amnesty International, *2016/17 – Syria*, 22 February 2017, <http://www.refworld.org/docid/58b033aba.html>. “Civilians, mainly men of fighting age, continue to vanish from the streets of the Syrian Arab Republic. Tens of thousands of Syrians are missing, many in circumstances that suggest they have been forcibly disappeared. (...) In a pattern that began in March 2011 and which continues to this day, Syrians are arrested or abducted by State agents and thereafter disappear from public view. Relatives continue to report cases of those who disappeared between 2011 and 2015. Common sites of arrest and abduction include checkpoints, hospitals, workplaces and homes”; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 11 August 2016, <http://www.refworld.org/docid/57d015fd4.html>, paras 75, 77. See also, Amnesty International, *Syria: Tens of Thousands of Disappeared Must not Be Forgotten*, 30 August 2017, <http://www.refworld.org/docid/59ad67474.html>; SNHR, *Enforced-Disappearance Is a Weapon of War in Syria, no less than 85,000 Are Forcibly Disappeared*, 30 August 2017, <http://bit.ly/2iZRv18>; US Department of State, *2016 Country Reports on Human Rights Practices – Syria*, 3 March 2017, <http://www.refworld.org/docid/58ec89bf13.html>, pp. 14-15; UN Human Rights Council, *Out of Sight, Out of Mind: Deaths in Detention in the Syrian Arab Republic*, 3 February 2016, A/HRC/31/CRP.1, <http://www.refworld.org/docid/56b9f4c24.html> (hereafter: UN Human Rights Council, *Deaths in Detention*, 3 February 2016, <http://www.refworld.org/docid/56b9f4c24.html>), para. 17. Arbitrary arrests are also documented when territory is recaptured from anti-government armed groups by government forces, as part of evacuation deals and often in connection with conscription; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 2 February 2017, <http://www.refworld.org/docid/58b827094.html>, paras 89-90; See also “*Persons Opposing, or Perceived to Be Opposing, the Government*” (Section III.A.1) and “*Draft Evaders and Deserters from the Armed Forces*” (Section III.A.2) and sources referenced therein.

<sup>76</sup> Detainees are reported to be held in formal and informal detention facilities operated by the various branches of the country’s security and intelligence agencies. Detention conditions are described as “abysmal”, inhuman, degrading and life threatening due to severe overcrowding, lack of hygiene and medical care, inadequate ventilation and lighting, and lack of food and water. According to the Independent International Commission of Inquiry on the Syrian Arab Republic, detention conditions alone reach the threshold of cruel, inhuman or degrading treatment or punishment. Detention conditions for political or national security prisoners are reported to be particularly harsh. Specific medical needs of persons with chronic illnesses as well as women are routinely ignored and pregnant detainees have reportedly suffered miscarriages, premature births and deaths of new-borns. Children are reported to be frequently held with adults in detention facilities of the security and intelligence agencies; see successive reports of the Independent International Commission of Inquiry on the Syrian Arab Republic available at: <http://bit.ly/21a15fZ>. See also “*Persons Opposing, or Perceived to Be Opposing, the Government*” (Section III.A.1) and “*Children with Certain Profiles or in Specific Circumstances*” (Section III.A.11) and sources referenced therein.

<sup>77</sup> The widespread and systematic use of torture, particularly by government intelligence and security agencies, has been widely documented. According to the Independent International Commission of Inquiry on the Syrian Arab Republic, “[I]t is extremely rare to find an individual who has been detained by the Government who has not suffered severe torture. The majority of victims are men between the ages of 18 and 60. However, government officials also torture women and children in their custody”; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 11 August 2016, <http://www.refworld.org/docid/57d015fd4.html>, paras 93, 94. “Detainees are tortured beginning from the moment of their arrest, during their ‘welcome parties’ – a term commonly used by Syrian detainees and guards to refer to the severe beatings received upon arrival at a detention facility – and throughout their interrogations. During interrogation, the Syrian authorities use torture to extract false ‘confessions’ from detainees, which the authorities then use to determine sentences in flagrantly unfair and shambolic ‘trials’. (...) As a result of the torture and conditions they are forced to endure, detainees in government custody are dying on a massive scale. According to the Human Rights Data Analysis Group [HRDAG], a non-governmental organization that uses scientific methods to analyse human rights violations, at least 17,723 people were killed in government custody between March 2011 and December 2015, an average of 300 deaths each month. Both HRDAG and Amnesty International believe

execution are perpetrated systematically and on a wide scale by the Syrian Government, primarily against those opposing or perceived to be opposing the government.<sup>78</sup> The use of sexual violence as a form of torture against men, women and children is reported to be widespread.<sup>79</sup> In a number of instances, government forces were reported to recruit and use children in support functions and hostilities.<sup>80</sup>

## 2) *Islamic State of Iraq and Al-Sham (ISIS)*

Reports by the Independent International Commission of Inquiry and human rights organizations implicate members of ISIS in serious human rights abuses as well as war crimes, crimes against humanity, and, in the case of the Yazidi community, genocide.<sup>81</sup> Women,<sup>82</sup> members of religious minority groups<sup>83</sup> and

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*that this is a conservative estimate and that the actual total is much higher*"; Amnesty International, *Human Slaughterhouse: Mass Hangings and Extermination at Saydnaya Prison, Syria*, 7 February 2017, <http://www.refworld.org/docid/5899bd9a4.html>, p. 12. On deaths in detention, see also, SNHR, *The Yearly Report for 2016*, 18 January 2017, <http://bit.ly/2ksIUxq>, p. 16; UN Human Rights Council, *Deaths in Detention*, 3 February 2016, <http://www.refworld.org/docid/56b9f4c24.html>, paras 20-25. See also "*Persons Opposing, or Perceived to Be Opposing, the Government*" (Section III.A.1) and sources referenced therein.

<sup>78</sup> "*Thousands of people detained in the red building [in Saydnaya Military Prison] have been killed in secret extrajudicial executions, after being held in conditions amounting to enforced disappearance. The killings have taken the form of mass hangings. Before they are hanged, the victims are condemned to death in 'trials' at the Military Field Court located in the al-Qaboun neighbourhood of Damascus, which last between one and three minutes. (...) On the basis of evidence from people who worked within the prison authorities at Saydnaya and witness testimony from detainees, Amnesty International estimates that between 5,000 and 13,000 people were extrajudicially executed at Saydnaya between September 2011 and December 2015. (...) there is no reason to believe that executions have stopped. Therefore, since December 2015, thousands more people are likely to have been executed*"; Amnesty International, *Human Slaughterhouse: Mass Hangings and Extermination at Saydnaya Prison, Syria*, 7 February 2017, <http://www.refworld.org/docid/5899bd9a4.html>, p. 6. "*The massive and systematized nature of deaths in State-controlled detention facilities amounts to crimes against humanity and war crimes*"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 11 August 2016, <http://www.refworld.org/docid/57d015fd4.html>, para. 70. See also, UN Human Rights Council, *Deaths in Detention*, 3 February 2016, <http://www.refworld.org/docid/56b9f4c24.html>, paras 34-35. See also "*Persons Opposing, or Perceived to Be Opposing, the Government*" (Section III.A.1) and sources referenced therein.

<sup>79</sup> "*The government continued the use of torture and rape, including of children*"; US Department of State, *2016 Country Reports on Human Rights Practices – Syria*, 3 March 2017, <http://www.refworld.org/docid/58ec89bf13.html>, p. 2. "*Women have been raped by officials during interrogations in detention centres controlled by government intelligence agencies. (...) Male detainees are frequently subjected to sexual violence. Many stated that cellmates had been raped with objects and received electric shocks to their genitals*"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 11 August 2016, <http://www.refworld.org/docid/57d015fd4.html>, para. 105, 108. "*(...) sexual violence continues to be systematically used as a tactic of warfare, torture and terrorism. It has been most commonly reported in the context of house searches and hostage-taking, in detention and at checkpoints, by State and pro-Government forces, and in areas controlled by ISIL and other non-State groups. (...) The United Nations received accounts of the systematic sexual torture of men in detention centres, including rape with wooden sticks, and electric shocks to, and burning of, genitals. Such sexual torture was aimed at obtaining confessions of the men's involvement in alleged anti-Government activities. In some cases, female relatives were also arrested and forced to witness the torture*" (emphasis added); UN Security Council, *Report of the Secretary-General on Conflict-Related Sexual Violence*, 20 April 2016, S/2016/361, <http://www.refworld.org/docid/5731a0d24.html> (hereafter: UN Security Council, *Report of the Secretary-General on Conflict-Related Sexual Violence*, 20 April 2016, <http://www.refworld.org/docid/5731a0d24.html>), para. 68.

<sup>80</sup> "*The United Nations verified the association of 29 children with government forces, 5 of whom were trained, armed and used in combat, while the others were deployed at checkpoints, mostly unarmed. Pro-government militias recruited 54 boys, 20 of whom were used in combat and 34 to guard checkpoints. Coercion and financial incentives were used to recruit children*"; UN Secretary-General, *Children and Armed Conflict* 24 August 2017, <http://www.refworld.org/docid/59db4a194.html>, para. 173. "*Some armed groups fighting for the Syrian government, such as Hezbollah, and pro-regime militias known as the National Defense Forces (NDF), or 'shabiha' forcibly recruit children as young as six years old*"; US Department of State, *2017 Trafficking in Persons Report – Syria*, 27 June 2017, <http://www.refworld.org/docid/5959ec46c.html>. See also, US Department of State, *2016 Country Reports on Human Rights Practices – Syria*, 3 March 2017, <http://www.refworld.org/docid/58ec89bf13.html>, p. 25; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 11 August 2016, <http://www.refworld.org/docid/57d015fd4.html>, para. 118; UN General Assembly, *Situation of Human Rights*, 9 June 2016, <http://www.refworld.org/docid/576a33aa4.html>, para. 50.

<sup>81</sup> Global Centre for the Responsibility to Protect, *Syria, R2P Monitor*, Issue 35, 15 September 2017, <http://bit.ly/2h8LrJ1>, p. 2; UN Human Rights Council, "*They Came to Destroy*": *ISIS Crimes Against the Yazidis*, 15 June 2016, A/HRC/32/CRP.2, <http://www.refworld.org/docid/57679c324.html>, p. 1; UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 11 February 2016, <http://www.refworld.org/docid/56d6b3843ea.html>, para. 148.

<sup>82</sup> "*While numbers of rape and sexual assaults are notoriously difficult to confirm, sexual violence against women and girls has been a core component of the armed groups' ideology and economic strategy in Iraq and Syria*"; UN Women, *Investigating Conflict-Related Sexual and Gender-Based Crimes – Lessons from Iraq and Syria*, 26 October 2017, <https://shar.es/1PCHZm>. See below "*Persons Perceived as Contravening Shari'a Law in Areas under the Control or Influence of Extremist Islamist Armed Groups*" (Section III.A.9) and "*Women and Girls with Specific Circumstances*" (Section III.A.10) and sources referenced therein.

<sup>83</sup> See "*Members of Religious and Minority Ethnic Groups*" (Section III.A.8) and "*Persons Perceived as Contravening Shari'a Law in Areas under the Control or Influence of Extremist Islamist Armed Groups*" (Section III.A.9) and sources referenced therein.

individuals of diverse sexual orientations and gender identities<sup>84</sup> are reported to be particularly singled out for attacks and a range of abuses by ISIS. According to reports, ISIS launches indiscriminate and disproportionate attacks against civilians and civilian targets in government- and Kurdish-held towns and cities, using mortars, rockets as well as car and suicide bombs.<sup>85</sup> Civilians are reportedly prevented from leaving areas held by ISIS except to other areas controlled by the group, exposing them to great risks in the face of increased airstrikes against remaining ISIS-held locations.<sup>86</sup> ISIS is further reported to use civilians as human shields as part of a military tactic.<sup>87</sup> In areas currently or formerly under *de facto* ISIS control, civilians are reportedly killed and injured by landmines laid indiscriminately by ISIS.<sup>88</sup> According to reports, ISIS also continues to extensively recruit men and children for use in military operations, including suicide bombing missions and the torture and execution of civilians and *hors de combat* fighters.<sup>89</sup> Until September 2017, ISIS had reportedly maintained a siege of densely populated districts of Deir Ez-Zour city for over three years, which had left its inhabitants with minimum access to food, medicine, water, electricity

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<sup>84</sup> See “*Persons of Diverse Sexual Orientations and/or Gender Identities*” (Section III.A.12) and sources referenced therein.

<sup>85</sup> According to reports, attacks launched by ISIS frequently target crowded civilian areas, including markets, hospitals, courts, bus stops, as well as religious minority areas; see, e.g. UN Human Rights Council, *Human Rights Abuses and International Humanitarian Law Violations, 21 July 2016 - 28 February 2017*, 10 March 2017, <http://www.refworld.org/docid/58c80d884.html>, paras 75-76; Amnesty International, *2016/17 – Syria*, 22 February 2017, <http://www.refworld.org/docid/58b033aba.html>; HRW, *World Report 2017 – Syria*, 12 January 2017, <http://www.refworld.org/docid/587b58196.html>; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 11 August 2016, <http://www.refworld.org/docid/57d015fd4.html>, paras 25-27, 64. A UN panel concluded that ISIS was responsible for launching an attack using several artillery shells filled with sulphur mustard on Marea town (Aleppo Governorate) on 21 August 2015; UN News, *The Syrian Forces and ISIL Used Toxic Chemicals as Weapons – Report*, 30 August 2016, <http://bit.ly/2s9F9QS>; UN Security Council, *Third Report of the Organization for the Prohibition of Chemical Weapons-United Nations Joint Investigative Mechanism*, 24 August 2016, <http://bit.ly/2zaRI88>, Annex X.

<sup>86</sup> “*IS fighters have also reportedly prevented civilians from leaving areas under their control. The only exception is for those facing life-threatening sickness, who must obtain IS approval and provide a house or vehicle as a guarantee of their return. Those caught smuggling civilians outside IS-controlled areas may be executed or held and forced to pay fines*”; OHCHR, *Syria: Monthly Human Rights Digest – May 2017*, 3 June 2017, <http://www.refworld.org/docid/59bb83234.html>, p. 4. For example, in the context of military operations in Deir Ez-Zour ongoing at the time of writing, “*ISIL reportedly established mobile checkpoints in the surrounding countryside to prevent people from fleeing. Numerous risks, such as harassment, arrest, landmines, snipers and forced conscription, were reported when civilians attempted to leave ISIL-controlled areas*”; UN Security Council, *Implementation of Security Council Resolutions 2139 (2014)*, 2165 (2014), 2191 (2014), 2258 (2015) and 2332 (2016), 21 September 2017, S/2017/794, <http://www.refworld.org/docid/59d4dc8a4.html>, para. 6. See also, UN Security Council, *Implementation of Security Council Resolutions 2139 (2014)*, 2165 (2014), 2191 (2014), 2258 (2015) and 2332 (2016), 24 August 2017, S/2017/733, <http://www.refworld.org/docid/59aebbad4.html>, p. 3; Amnesty International, *Syria – ‘I Won’t Forget This Carnage’. Civilians Trapped in Battle for Raqqa*, 23 August 2017, <http://www.refworld.org/docid/599ec9174.html>, pp. 5, 6, 23-26; OHCHR, *Syria: Civilians Trapped in Al-Raqqa in Urgent Need of Protection*, 28 June 2017, <https://shar.es/1Smxxo>; OHCHR, *Airstrikes, ISIL Causing Civilian Casualties in Syria – Zeid*, 26 May 2017, <http://bit.ly/2sbFBYe>.

<sup>87</sup> Amnesty International, *Syria – ‘I Won’t Forget This Carnage’. Civilians Trapped in Battle for Raqqa*, 23 August 2017, <http://www.refworld.org/docid/599ec9174.html>, pp. 5, 6, 23-26; UN Human Rights Council, *Human Rights Abuses and International Humanitarian Law Violations, 21 July 2016 - 28 February 2017*, 10 March 2017, <http://www.refworld.org/docid/58c80d884.html>, paras 82-83, 110; UN General Assembly, *Situation of Human Rights*, 9 June 2016, <http://www.refworld.org/docid/576a33aa4.html>, paras 18-19. See also, The Independent, *ISIS: 2,000 Fighters Using Raqqa’s Civilians as Human Shields as US-Led Coalition Makes Significant Gains in Syria*, 5 August 2017, <http://ind.pn/2vsw6wh>; Reuters, *Raqqa Civilians Face Mines, Snipers, Use as Human Shields: IRC*, 6 June 2017, <http://reut.rs/2vzAgkV>.

<sup>88</sup> UN Human Rights Council, *Human Rights Abuses and International Humanitarian Law Violations, 21 July 2016 - 28 February 2017*, 10 March 2017, <http://www.refworld.org/docid/58c80d884.html>, para. 90; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 11 August 2016, <http://www.refworld.org/docid/57d015fd4.html>, paras 28, 114. See also, Reuters, *Raqqa Civilians Face Mines, Snipers, Use as Human Shields: IRC*, 6 June 2017, <http://reut.rs/2vzAgkV>; Ara News, *ISIS Landmines Kill more Civilians in Syria’s Hasakah*, 8 April 2017, <http://bit.ly/2pbKKBZ>; HRW, *Syria: Improvised Mines Kill, Injure Hundreds in Manbij*, 26 October 2016, <http://www.refworld.org/docid/581c94a74.html>; The Independent, *Dozens Killed by ISIS Landmines and Boobytraps as They Try to Return Home to Liberated Syrian Town*, 26 October 2016, <http://ind.pn/2eFyAPI>.

<sup>89</sup> “*(...) ISIS, and Jabhat al-Nusra the al-Qa’ida affiliate in Syria continue to recruit and use boys and girls as soldiers, human shields, suicide bombers, and executioners, as well as in support roles*”; US Department of State, *2017 Trafficking in Persons Report - Syria*, 27 June 2017, <http://www.refworld.org/docid/5959ec46c.html>. See also below “*Persons Opposing, or Perceived to Be Opposing, ISIS in Areas under Its De Facto Control or Influence*” (Section III.A.4) and “*Children with Certain Profiles or in Specific Circumstances*” (Section III.A.11) and sources referenced therein.

and fuel.<sup>90</sup> ISIS reportedly continues to intentionally destroy property of cultural or religious significance.<sup>91</sup> Real or perceived dissent to the authority of ISIS or infringements of its rules, which are based on a strict interpretation of *Shari'a* law, are reported to result in severe punishment, including deprivation of liberty, torture, cruel, inhuman and degrading punishment, as well as execution, including of children.<sup>92</sup>

### 3) *Anti-Government Armed Groups, Including Jabhat Fatah Al-Sham*

Reports by the Independent International Commission of Inquiry and human rights organizations allege that anti-government armed groups commit serious abuses of international human rights and violations of humanitarian law, some of which may amount to war crimes.<sup>93</sup> Anti-government armed groups are reported to subject government-held localities, including religious minority areas, to indiscriminate attacks using mortars, rockets, missiles and improvised explosive devices (IED).<sup>94</sup> Anti-government armed groups have reportedly also deliberately attacked health-care facilities, schools and other vital infrastructure,<sup>95</sup> and laid siege to certain civilian areas perceived to be sympathetic to the government, or temporarily cut off water and/or electricity supplies to such areas.<sup>96</sup> Anti-government armed groups have reportedly also engaged in

<sup>90</sup> OCHA, *Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator Mr. Mark Lowcock: Statement to the Security Council on Syria*, 27 September 2017, <http://bit.ly/2zqVHbi>, pp. 2-3; The Independent, *Syrian Army Breaks Isis' Three-Year-Long Siege of Deir Ezzor*, 5 September 2017, <http://ind.pn/2wBWHXx>; UN Security Council, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015) and 2332 (2016)*, 24 August 2017, S/2017/733, <http://www.refworld.org/docid/59aebbad4.html>, p. 3; OHCHR, *Syria: Monthly Human Rights Digest – May 2017*, 3 June 2017, <http://www.refworld.org/docid/59bb83234.html>, pp. 4-5.

<sup>91</sup> US Department of State, *2016 Report on International Religious Freedom – Syria*, 15 August 2017, <http://www.refworld.org/docid/59b7d8393.html>, p. 2; UN Human Rights Council, *Human Rights Abuses and International Humanitarian Law Violations, 21 July 2016 - 28 February 2017*, 10 March 2017, <http://www.refworld.org/docid/58c80d884.html>, paras 84-85, 110; American Society of International Law (ASIL), *Confronting ISIS's War on Cultural Property*, 14 June 2016, Volume 20 Issue 12, <http://bit.ly/2nHt5Af>.

<sup>92</sup> UN Secretary-General, *Children and Armed Conflict* 24 August 2017, <http://www.refworld.org/docid/59db4a194.html>, para. 178; US Department of State, *2016 Report on International Religious Freedom – Syria*, 15 August 2017, <http://www.refworld.org/docid/59b7d8393.html>, pp. 11-13; Freedom House, *Freedom in the World 2017 – Syria*, 8 June 2017, <http://www.refworld.org/docid/593a522f26.html>; US Department of State, *2016 Country Reports on Human Rights Practices – Syria*, 3 March 2017, <http://www.refworld.org/docid/58ec89bf13.html>, p. 24; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 11 August 2016, <http://www.refworld.org/docid/57d015fd4.html>, paras 102-103. See also below “*Persons Opposing, or Perceived to Be Opposing, ISIS in Areas under Its De Facto Control or Influence*” (Section III.A.4) and sources referenced therein.

<sup>93</sup> UN Human Rights Council, *Human Rights Abuses and International Humanitarian Law Violations, 21 July 2016 - 28 February 2017*, 10 March 2017, <http://www.refworld.org/docid/58c80d884.html>, paras 61-74; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 2 February 2017, <http://www.refworld.org/docid/58b827094.html>, paras 100-102; Amnesty International, *Torture Was My Punishment – Abductions, Torture and Summary Killings Under Armed Group Rule in Aleppo and Idleb, Syria*, 5 July 2016, <http://www.refworld.org/docid/577b81f84.html> (hereafter: Amnesty International, *Abductions, Torture and Summary Killings Under Armed Group Rule in Aleppo and Idleb, Syria*, 5 July 2016, <http://www.refworld.org/docid/577b81f84.html>).

<sup>94</sup> The New Arab, *Rebel Shelling Kills Four Civilians in Damascus: Monitor*, 16 October 2017, <http://bit.ly/2yXOCQf>; US Department of State, *2016 Report on International Religious Freedom – Syria*, 15 August 2017, <http://www.refworld.org/docid/59b7d8393.html>, pp. 11-13; UN Human Rights Council, *Human Rights Abuses and International Humanitarian Law Violations, 21 July 2016 - 28 February 2017*, 10 March 2017, <http://www.refworld.org/docid/58c80d884.html>, paras 61-66; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 2 February 2017, <http://www.refworld.org/docid/58b827094.html>, paras 69-78; Amnesty International, *2016/17 – Syria*, 22 February 2017, <http://www.refworld.org/docid/58b033aba.html>; HRW, *World Report 2017 – Syria*, 12 January 2017, <http://www.refworld.org/docid/587b58196.html>. See also “*Persons Supporting, or Perceived to Be Supporting, the Government*” (Section IV.A.3) and “*Members of Religious and Minority Ethnic Groups*” (Section III.A.8) and sources referenced therein.

<sup>95</sup> UN Human Rights Council, *Human Rights Abuses and International Humanitarian Law Violations, 21 July 2016 - 28 February 2017*, 10 March 2017, <http://www.refworld.org/docid/58c80d884.html>, paras 61, 66; US Department of State, *2016 Country Reports on Human Rights Practices – Syria*, 3 March 2017, <http://www.refworld.org/docid/58ec89bf13.html>, p. 22; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 11 August 2016, <http://www.refworld.org/docid/57d015fd4.html>, paras 62-63.

<sup>96</sup> At the time of writing, anti-government armed groups reportedly maintain a siege of the two predominantly Shi'ite towns of Fu'ah and Kefraya (Idlib Governorate). Two other predominantly Shi'ite towns in the Aleppo countryside (Nubul and Zahra) had been besieged by anti-government armed groups between July 2012 and February 2016, when government forces retook control; OCHA, *Syrian Arab Republic: Besieged Communities (as of 27 Sep 2017)*, 27 September 2017, <http://bit.ly/2yJUwz6>; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 8 August 2017, <http://www.refworld.org/docid/59b24fe14.html>, paras 82, Annex III paras 2, 4-5; UN Security Council, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015) and 2332 (2016)*, 24 August 2017, S/2017/733, <http://www.refworld.org/docid/59aebbad4.html>, para. 8; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 11 August 2016, <http://www.refworld.org/docid/57d015fd4.html>, para. 37; UN Security Council, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014) and 2258 (2015) Report*

the forced displacement of civilians as part of so-called reconciliation agreements with the government.<sup>97</sup> Abduction of civilians and members of government forces, including for the purpose of prisoner exchanges or ransom, are reported to be a common occurrence.<sup>98</sup> Anti-government armed groups have reportedly also been implicated in the torture and summary execution of those held in captivity,<sup>99</sup> including captured government soldiers and supporters,<sup>100</sup> as well as persons associated with ISIS or rival armed groups.<sup>101</sup> In areas under their *de facto* control, various anti-government armed groups have reportedly established irregularly constituted “courts”, which at times impose harsh sentences, including corporal punishment and execution.<sup>102</sup> Children, including children under the age of 15, are reportedly recruited for military support roles as well as for direct participation in combat by certain anti-government armed groups, including by Jabhat Fatah Al-Sham, Ahrar Al-Sham and groups associated with the FSA.<sup>103</sup>

#### 4) *People’s Protection Units (YPG)*

The Independent International Commission of Inquiry and human rights organizations implicate the YPG and the *Asayish* in human rights abuses, including abduction, deprivation of liberty, abuses of people held in captivity, imposition of punishments by irregular “courts”, and failure to address unresolved killings and

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of the Secretary-General, 18 February 2016, S/2016/156, <http://www.refworld.org/docid/56ceaa884.html>, para. 6. See also “*Persons Supporting or Perceived to Be Supporting the Government*” (Section III.A.3) and sources referenced therein.

<sup>97</sup> On 14 and 19 April 2017, a total of around 8,000 residents have reportedly been forcibly evacuated as part of the so-called “*Four-Town Agreement*”, which also involved the forcible transfer of populations from the opposition-held towns of Madaya and Zabadani (Rural Damascus Governorate); UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 8 August 2017, <http://www.refworld.org/docid/59b24fe14.html>, paras 19, 25, 82, Annex III paras 4-5; Al Jazeera, *Timeline: Syria's 13 'People Evacuation' Deals*, 16 May 2017, <http://bit.ly/2sC3Pm6>; Financial Times, *Syria's 'Four Towns' Deal Raises Fears of Forced Population Change*, 14 April 2017, <http://on.ft.com/2fuMda7>.

<sup>98</sup> US Department of State, *2016 Country Reports on Human Rights Practices – Syria*, 3 March 2017, <http://www.refworld.org/docid/58ec89bf13.html>, pp. 22, 23; Amnesty International, *2016/17 – Syria*, 22 February 2017, <http://www.refworld.org/docid/58b033aba.html>; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 11 August 2016, <http://www.refworld.org/docid/57d015fd4.html>, paras 82, 87-88; UN Human Rights Council, *Deaths in Detention*, 3 February 2016, <http://www.refworld.org/docid/56b9f4c24.html>, paras 65, 67, 68, 69. See also below “*Persons Supporting, or Perceived to Be Supporting, the Government*” (Section III.A.3) and “*Persons Opposing, or Perceived to Be Opposing, Anti-Government Armed Groups in Areas under Their De Facto Control or Influence*” (Section III.A.5) and sources referenced therein.

<sup>99</sup> UN Human Rights Council, *Human Rights Abuses and International Humanitarian Law Violations, 21 July 2016 - 28 February 2017*, 10 March 2017, <http://www.refworld.org/docid/58c80d884.html>, para. 72; US Department of State, *2016 Country Reports on Human Rights Practices – Syria*, 3 March 2017, <http://www.refworld.org/docid/58ec89bf13.html>, p. 24; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 11 August 2016, <http://www.refworld.org/docid/57d015fd4.html>, paras 100-101.

<sup>100</sup> See below “*Persons Supporting, or Perceived to Be Supporting, the Government*” (Section III.A.3) and sources referenced therein.

<sup>101</sup> See below “*Persons Opposing, or Perceived to Be Opposing Anti-Government Armed Groups in Areas under Their De Facto Control or Influence*” (Section III.A.5) and sources referenced therein.

<sup>102</sup> “*In opposition-controlled areas, legal or trial procedures varied by locale. Local human rights organizations reported that local governing structures assumed these responsibilities. HRW reported that civilians administered these processes employing customary sharia laws in some cases and national laws in others. Sentencing by opposition sharia councils sometimes resulted in public executions, without an appeals process or visits by family members*”; US Department of State, *2016 Country Reports on Human Rights Practices – Syria*, 3 March 2017, <http://www.refworld.org/docid/58ec89bf13.html>, p. 17. See also, US Department of State, *2016 Report on International Religious Freedom – Syria*, 15 August 2017, <http://www.refworld.org/docid/59b7d8393.html>, p. 13; UN Human Rights Council, *Human Rights Abuses and International Humanitarian Law Violations, 21 July 2016 - 28 February 2017*, 10 March 2017, <http://www.refworld.org/docid/58c80d884.html>, paras 68, 108; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 11 August 2016, <http://www.refworld.org/docid/57d015fd4.html>, para. 71; Amnesty International, *Abductions, Torture and Summary Killings Under Armed Group Rule in Aleppo and Idleb, Syria*, 5 July 2016, <http://www.refworld.org/docid/577b81f84.html>, pp. 4, 5, 15, 18, 20; UN Human Rights Council, *Deaths in Detention*, 3 February 2016, <http://www.refworld.org/docid/56b9f4c24.html>, paras 67, 72. See also below “*Persons Perceived as Contravening Shari’a Law in Areas under the Control or Influence of Extremist Islamist Armed Groups*” (Section III.A.9) and sources referenced therein.

<sup>103</sup> “*Some 60 per cent of verified cases [of child recruitment and use] were attributed to groups affiliated with the Free Syrian Army, a tenfold increase compared with 2015, with most cases occurring in Aleppo, Dar’a and Rif Dimastiq [sic] Governorates; 98 per cent of the boys recruited by these groups were used for military functions, including front-line combat. (...) Children recruited and used by other armed groups (82) predominantly guarded checkpoints*”; UN Secretary-General, *Children and Armed Conflict* 24 August 2017, <http://www.refworld.org/docid/59db4a194.html>, para. 172. See also, US Department of State, *2017 Trafficking in Persons Report – Syria*, 27 June 2017, <http://www.refworld.org/docid/5959ec46c.html>; UN Human Rights Council, *Human Rights Abuses and International Humanitarian Law Violations, 21 July 2016 - 28 February 2017*, 10 March 2017, <http://www.refworld.org/docid/58c80d884.html>, paras 74, 109; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 11 August 2016, <http://www.refworld.org/docid/57d015fd4.html>, paras 117-118. See also below “*Children with Certain Profiles or in Specific Circumstances*” (Section III.A.11) and sources referenced therein.

disappearances.<sup>104</sup> Among those reportedly targeted for such abuses are real and perceived opponents of the PYD/YPG as well as those suspected of being affiliated with ISIS.<sup>105</sup> In some instances, the YPG has been implicated in the forcible displacement of mostly non-Kurdish populations, including reportedly on account of these populations' perceived ties with ISIS or for security/military reasons.<sup>106</sup> The YPG and *Asayish* reportedly continue forced and under-age recruitment<sup>107</sup> under the so-called "Duty of Self-Defence" law<sup>108</sup> in areas under their *de facto* control, including for use in hostilities.<sup>109</sup> The Independent International Commission of Inquiry expressed concern for the protection of civilians in the context of the ongoing military offensive by the SDF and international coalition to retake Raqqa from ISIS' control.<sup>110</sup>

<sup>104</sup> See below "Persons Opposing, or Perceived to Be Opposing, the PYD/YPG" (Section III.A.6) and sources referenced therein.

<sup>105</sup> *Ibid.*

<sup>106</sup> "Reports received by OHCHR in December 2015 pointed towards the alleged forced displacement of civilians by YPG forces in areas under their control, in violation of international humanitarian law"; UN General Assembly, *Situation of Human Rights*, 9 June 2016, <http://www.refworld.org/docid/576a33aa4.html>, para. 39. See also, UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 11 February 2016, <http://www.refworld.org/docid/56d6b3843ea.html>, paras 97-98; Amnesty International, "We Had Nowhere to Go" – *Forced Displacement and Demolitions in Northern Syria*, 12 October 2015, <http://www.refworld.org/docid/561cbdaf4.html>. See also "Persons Opposing, or Perceived to Be Opposing, the PYD/YPG" (Section III.A.6) and sources referenced therein.

<sup>107</sup> In 2014, the YPG and *Asayish* committed to end child recruitment and started a process of demobilizing all children under the age of 18; however, according to reports, the YPG did not meet its commitment to demobilise all children and cases of child recruitment continue to be documented; UN Secretary-General, *Children and Armed Conflict* 24 August 2017, <http://www.refworld.org/docid/59db4a194.html>, paras 171, 183; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 8 August 2017, <http://www.refworld.org/docid/59b24fe14.html>, para. 51; SNHR, *Child Arrested by Kurdish Self-Management Forces in Amouda City in Hasaka Governorate on July 25*, 27 July 2017, <http://bit.ly/2yg2qjw>; US Department of State, *2017 Trafficking in Persons Report – Syria*, 27 June 2017, <http://www.refworld.org/docid/5959ec46c.html>; Amnesty International, *2016/17 – Syria*, 22 February 2017, <http://www.refworld.org/docid/58b033aba.html>; UN General Assembly, *Situation of Human Rights*, 9 June 2016, <http://www.refworld.org/docid/576a33aa4.html>, paras 50-51. See also "Children with Certain Profiles or in Specific Circumstances" (Section III.A.11) and sources referenced therein.

<sup>108</sup> As of mid-2014, "mandatory self-defence duty" has been imposed on men aged 18 to 30 living under the *de facto* autonomous Self-Administration in northern Syria. According to reports, the military service lasts for a period of six months, after which recruits can voluntarily join the ranks of the YPG; see, Art. 4 and 8, *Duty of Self-Defense*, 13 July 2014, <http://bit.ly/2rQ6lYl>. However, in practice, the criteria for recruitment as contained in the so-called law, including regarding age, sex and length of service, have not been strictly adhered to, according to reports; Syrian Voice, *Kurdish Self-Administration Enforces Draft, Turning Kobane into 'Ghost Town'*, 26 April 2017, <http://bit.ly/2siwUSA>; Syria Direct, *YPG Draft Evaders on the Run after Amnesty: 'Why Would I Fight to Defend Arab Lands?'*, 7 November 2016, <http://bit.ly/2fTQxL1>; Ara News, *Kurds Launch Conscription Campaign to Protect Kobane from ISIS Attacks*, 21 June 2016, <http://bit.ly/2s7dAZ4>; Syria Direct, *I Was Scared They Would Take my Sister for Recruitment*, 21 January 2015, <http://bit.ly/1zwB872>. See also, "Persons Opposing or Perceived to be Opposing, the PYD/YPG" (Section III.A.6) and sources referenced therein.

<sup>109</sup> See below "Persons Opposing or Perceived to be Opposing, the PYD/YPG" (Section III.A.6) and sources referenced therein.

<sup>110</sup> The Commission is undertaking an investigation in relation to several alleged aerial attacks on Raqqa, which reportedly resulted in hundreds of civilian casualties; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 8 August 2017, <http://www.refworld.org/docid/59b24fe14.html>, paras 78-79. According to Amnesty International, "artillery and air strikes launched by coalition forces, usually on the basis of coordinates provided by the SDF, have killed hundreds of civilians since the start of the military operation to recapture the city. Some of the civilian casualties may have been the result of wrong targets having been struck by coalition forces based on wrong coordinates provided by the SDF. (...) In addition, guided and unguided artillery shells, as well as guided rockets and air-delivered bombs used by coalition forces, and mortars being used by SDF forces, have a wide lethal effect radius and thus carry a high risk of harming civilians when used in residential areas." Amnesty International urges the SDF and coalition forces to "fully comply with the rules of international humanitarian law in the planning and execution of strikes and attacks, including by cancelling attacks that risk being indiscriminate, disproportionate or otherwise unlawful" in light of the significant challenges ISIS' conduct poses to the military offensive, which make it difficult to distinguish between civilians and legitimate military targets; Amnesty International, *Syria: 'I Won't Forget This Carnage' Civilians Trapped In Battle for Raqqa*, 23 August 2017, <http://www.refworld.org/docid/599ec9174.html>, pp. 5, 32. See also, HRW, *All Feasible Precautions? Civilian Casualties in Anti-ISIS Coalition Airstrikes in Syria*, 24 September 2017, <http://www.refworld.org/docid/59ca4bbe4.html>; HRW, *Syria: Key Concerns for Raqqa Battle*, 13 June 2017, <http://www.refworld.org/docid/5970a9844.html>. See also above "Civilian Casualties" (Section II.B) and "Violations and Abuses of Human Rights Law and Violations of International Humanitarian Law – Islamic State of Iraq and Al-Sham (ISIS)" (Section II.C.2) and sources referenced therein.

## D. Forced Displacement and Returns

Due to the circumstances described above, the situation in Syria has become the world's single largest driver of forced displacement with over half of the population displaced,<sup>111</sup> including over 6.3 million persons displaced inside Syria (as of March 2017),<sup>112</sup> over five million registered refugees who have fled to neighbouring countries and North Africa,<sup>113</sup> and hundreds of thousands who arrived as asylum-seekers in Europe.<sup>114</sup>

In 2016 alone, more than two million people have been recorded as newly displaced inside Syria,<sup>115</sup> with additional new displacement occurring in 2017 in nearly all parts of Syria.<sup>116</sup> The deliberate targeting of civilians and civilian infrastructure, including of essential basic services such as water and electricity, as well as the failure of parties to the conflict to protect civilians are reported to be the main causes of displacement.<sup>117</sup> Furthermore, people are reportedly increasingly forced to relocate within Syria due to collapsing services in their home areas, including inadequate health care and loss of livelihoods against a background of rising living expenses.<sup>118</sup> Multiple displacements are a striking feature of the Syria conflict as frontlines keep shifting and formerly safer areas become (again) embroiled in conflict.<sup>119</sup> Incidents of internally displaced persons (IDPs) being targeted, displaced and killed in attacks continue to be recorded.<sup>120</sup>

In addition to large-scale internal displacement, over 5.3 million Syrians have taken refuge in neighbouring countries and in North Africa, with over 3.25 million Syrian refugees registered in Turkey; more than one

<sup>111</sup> OCHA, *Syrian Crisis – About the Crisis*, accessed 30 October 2017, <http://bit.ly/1END1dC>; UN Security Council, *Report of the Secretary-General on the Protection of Civilians in Armed Conflict*, 10 May 2017, S/2017/414, <http://www.refworld.org/docid/5937a99d4.html>, para. 62 (hereafter: UN Security Council, *Report of the Secretary-General on the Protection of Civilians in Armed Conflict*, 10 May 2017, <http://www.refworld.org/docid/5937a99d4.html>).

<sup>112</sup> Children and youth comprise more than half of the displaced; OCHA, *Syrian Crisis – About the Crisis*, accessed 30 October 2017, <http://bit.ly/1END1dC>. See also, United Nations Children's Fund (UNICEF), *Syria Crisis Situation Report June 2017 Humanitarian Results*, 30 June 2017, <http://bit.ly/2u4z1W1>, p. 32.

<sup>113</sup> UNHCR, *Syria Regional Refugee Response*, last updated 19 October 2017, <http://data.unhcr.org/syrianrefugees/regional.php>.

<sup>114</sup> Between April 2011 and July 2017, over 970,000 Syrian asylum applications have been lodged in Europe; UNHCR, *Syria Regional Refugee Response – Europe: Syrian Asylum Applications*, last updated July 2017, <http://data.unhcr.org/syrianrefugees/asylum.php>.

<sup>115</sup> UN Security Council, *Report of the Secretary-General on the Protection of Civilians in Armed Conflict*, 10 May 2017, <http://www.refworld.org/docid/5937a99d4.html>, para. 63; OCHA, *Under-Secretary-General For Humanitarian Affairs and Emergency Relief Coordinator, Stephen O'Brien Statement to the Security Council on Syria*, 22 February 2017, <http://bit.ly/2vYJkxD>.

<sup>116</sup> By the end of October 2017, over one million people had been recorded as newly displaced in the preceding 12 months; UNHCR, *Syria: Flash Update on Recent Events – 25 October 2017*, 25 October 2017, <http://bit.ly/2xXhdRv>.

<sup>117</sup> Norwegian Refugee Council/Internal Displacement Monitoring Centre (NRC/IDMC), *2016 Global Report on Internal Displacement – Syria: Trapped in the Country, and out of the Picture*, 1 May 2016, <http://www.refworld.org/docid/57a98bf511.html>. On deliberate and targeted attacks against basic infrastructure and cuts of water and electricity supplies by government forces, anti-government armed groups and ISIS as a weapon of war, see also “*Violations and Abuses of Human Rights and Violations of International Humanitarian Law*” (Section II.C, footnotes 73, 90 and 96) and sources referenced therein.

<sup>118</sup> See below “*Humanitarian Situation*” (Section II.E) and sources referenced therein.

<sup>119</sup> “*Years of conflict repeatedly displaced persons; each displacement depleted family assets and eroded coping mechanisms*”; US Department of State, *2016 Country Reports on Human Rights Practices – Syria*, 3 March 2017, <http://www.refworld.org/docid/58ec89bf13.html>, p. 37.

<sup>120</sup> “*Internally displaced persons are among the most vulnerable to violations. Having fled from their homes to seek safety, many find themselves under attack in the camp where they sought refuge*”; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 11 August 2016, <http://www.refworld.org/docid/57d015fd4.html>, para. 24 (with examples). For example, on 15 April 2017, at least 125 evacuees travelling from the towns of besieged towns of Fu'ah and Kefraya (Idlib Governorate) to Government-controlled areas were reportedly killed and over 400 were wounded when a car bomb exploded at the Rashideen waiting area in west Aleppo where they were awaiting their transfer; OHCHR, *Syria: Monthly Human Rights Digest – April 2017*, 30 April 2017, <http://www.refworld.org/docid/59bb82894.html>, p. 3. See also, UN Security Council, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015) and 2332 (2016)*, 21 July 2017, <http://www.refworld.org/docid/59881d6f4.html>, pp. 14, 15, 16; UN Security Council, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015) and 2332 (2016)*, 23 June 2017, S/2017/541, <http://www.refworld.org/docid/595640f74.html> (hereafter: UN Security Council, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015) and 2332 (2016)*, 23 June 2017, <http://www.refworld.org/docid/595640f74.html>), pp. 12, 15, 19; Al Jazeera, *Car Bombs Kill Syrian Civilians in Rukban Refugee Camp*, 16 May 2017, <http://aje.io/5urx>; UN Human Rights Council, *Human Rights Abuses and International Humanitarian Law Violations, 21 July 2016 - 28 February 2017*, 10 March 2017, <http://www.refworld.org/docid/58c80d884.html>, para. 54.



million in Lebanon;<sup>121</sup> 654,500 in Jordan; 244,000 in Iraq; 124,500 in Egypt; and over 30,000 in other countries of North Africa.<sup>122</sup> Amid mounting demographic, economic, political, security, and social pressures in the region, governments of host countries have increasingly resorted to the introduction of border management measures to restrict arrivals, leaving thousands of vulnerable people stranded inside Syria, unable to seek safety.<sup>123</sup> The numbers of cases of forcible returns and denial of access are reportedly increasing.<sup>124</sup>

According to estimates by the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), out of the approximately 629,400 persons registered with UNRWA (“Palestine refugees”)<sup>125</sup> or otherwise recorded as eligible to receive services from UNRWA in Syria<sup>126</sup> prior to the conflict, around 254,000 Palestine refugees have been internally displaced at least once inside Syria.<sup>127</sup> Over 120,000 have fled to other countries.<sup>128</sup> Palestinian refugees face particular difficulties in accessing safety outside Syria as neighbouring states have severely restricted their entry.<sup>129</sup> There are moreover concerns over instances of *refoulement* and forced deportations, including of children.<sup>130</sup>

- <sup>121</sup> As of early May 2015, UNHCR Lebanon has temporarily suspended new registration as per Government of Lebanon’s instructions. Accordingly, individuals waiting to be registered are no longer included in the total number of Syrian refugees in Lebanon.
- <sup>122</sup> UNHCR, *Syria Regional Refugee Response*, last updated 19 October 2017, <http://data.unhcr.org/syrianrefugees/regional.php>.
- <sup>123</sup> According to Filippo Grandi, UN High Commissioner for Refugees, “[T]he borders of Syria are more or less closed or very difficult to cross, and the neighbouring countries feel that they are saturated with almost five million Syrian refugees. That means that the Syrians are trapped inside Syria in this impossible situation”; UNHCR, *UN Refugee Chief Warns Syria Displacement Set to Rise*, 24 October 2016, <http://www.unhcr.org/580e2cc84.html>. “The borders surrounding Syria are becoming increasingly closed, limiting the ability of people within Syria to seek protection internationally. For Syrians today, very few legal routes to exit the country remain. Their situation is characterised by tightly controlled land borders, strict visa requirements to enter Lebanon, a recently closed Jordanian border, and visa requirements for entry to Turkey by sea or air, though limited irregular entry by land still occurs”; Danish Refugee Council, *Stranded at the Border: Policy Changes and Migration Realities: Summary of Regional Migration Trends Middle East (June/July 2016)*, July 2016, <http://bit.ly/2reKKV1>, p. 6. See also, IDMC, *Syrians at the Berm: Surviving in Nightmarish Conditions and with an Uncertain Status*, 4 October 2017, <http://bit.ly/2y2iNmM>; HRW, *Trapped: The Desperation of Syria’s Displaced Civilians*, 19 September 2017, <http://bit.ly/2xuK6pl>; UN News, *Highlights of the Noon Briefing by Farhan Haq, Deputy Spokesman for Secretary-General António Guterres*, 14 August 2017, <http://bit.ly/2yN7JuB>; Spiegel Online, *Refugees in Crisis: The Death Strip at the Turkish-Syrian Border*, 7 December 2016, <http://spon.de/aeSKA>; European Council on Refugees and Exiles, *Extension of the Border Wall and Ongoing Violence at the Turkish-Syrian Border*, 24 October 2016, <http://bit.ly/2eCKzf9>.
- <sup>124</sup> HRW, *Jordan: Syrian Refugees Being Summarily Deported*, 2 October 2017, <http://www.refworld.org/docid/59d221754.html>; US Department of State, *2016 Country Reports on Human Rights Practices – Jordan*, 3 March 2017, <http://www.refworld.org/docid/58ec8a1c13.html>; Reuters, *Forced back to Syria? Jordan’s Unregistered Refugees Fear Deportation*, 22 February 2017, <http://reut.rs/2m9YvQ4>; HRW, *World Report 2017 – Lebanon*, 12 January 2017, <http://www.refworld.org/docid/587b5835f.html>; The Conversation, *Syrian Refugees in Turkey, Jordan and Lebanon Face an Uncertain 2017*, 3 January 2017, <http://bit.ly/2reEBRW>; Amnesty International, *Turkey: Illegal Mass Returns of Syrian Refugees Expose Fatal Flaws in EU-Turkey Deal*, 1 April 2016, <http://www.refworld.org/docid/570210f94.html>; Amnesty International, *Lebanon: Forcible Return of more than 100 Refugees to Syria a Shocking Setback*, 8 January 2016, <http://www.refworld.org/docid/569756cd4.html>.
- <sup>125</sup> “Palestine refugees” are defined as “persons whose normal place of residence was Palestine during the period 1 June 1946 to 15 May 1948, and who lost both home and means of livelihood as a result of the 1948 conflict”; UNRWA, *Consolidated Eligibility and Registration Instructions (CERI)*, 1 January 2009, <http://www.refworld.org/docid/520cc3634.html>, p. 3. Prior to the conflict, 560,000 Palestine refugees had been registered with UNRWA; UNRWA, *Annual Operational Report 2016, for the Reporting Period 1 January – 31 December 2016*, 16 May 2017, <http://bit.ly/2vEL3IA>, para. 11.
- <sup>126</sup> In accordance with relevant General Assembly resolutions, other persons may also be eligible to receive UNRWA services, most notably persons displaced as a result of the 1967 and subsequent hostilities; UNRWA, *Consolidated Eligibility and Registration Instructions (CERI)*, 1 January 2009, <http://www.refworld.org/docid/520cc3634.html>.
- <sup>127</sup> UNRWA, *Syria: UNRWA – Palestine Refugees Demographics Verification Exercise 2016*, 12 June 2017, <http://bit.ly/2tiT1M>.
- <sup>128</sup> Including mainly Lebanon, Jordan, Gaza, and Egypt; UNRWA, *Syria Regional Crisis Emergency Appeal 2017*, 2016, <http://bit.ly/2n5lpbS>, pp. v, 1.
- <sup>129</sup> UN General Assembly, *Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, 1 January-31 December 2016*, 22 May 2017, A/72/13, <http://www.refworld.org/docid/59ef4f534.html>, paras 14, 18; UNRWA, *2016 Emergency Appeal Syria Regional Crisis Progress Report*, 9 February 2017, <http://bit.ly/2IAkQt2>, pp. 1, 4, 14, 23; Amnesty International, *Denied Refuge: Palestinians from Syria Seeking Safety in Lebanon*, 1 July 2014, <http://www.refworld.org/docid/56cabdd14.html>, pp. 7, 11.
- <sup>130</sup> UN Committee Against Torture (CAT), *Concluding Observations on the Third Periodic Report of Jordan*, 29 January 2016, CAT/C/JOR/CO/3, <http://www.refworld.org/docid/58beafe04.html>, paras 13 and 14 (c); UN Committee on the Rights of the Child (CRC), *Concluding Observations on the Consolidated Fourth and Fifth Periodic Reports of Jordan*, 13 June 2014, CRC/C/JOR/CO/4-5, <http://www.refworld.org/docid/541bf99a4.html>, paras 55, 56.

Since April 2015, Syrian nationals have been the main group of applicants for international protection in European countries.<sup>131</sup> While the number of Syrian arrivals in Europe has fallen since 2016 in tandem with border closures and the European Union – Turkey Statement in March 2016,<sup>132</sup> persons fleeing from Syria continue to seek international protection, including by crossing the Mediterranean Sea by boat.<sup>133</sup> Thousands of people, who have attempted to cross the Mediterranean Sea, are believed to have drowned or to be missing.<sup>134</sup>

In parallel with new displacements recorded in 2017,<sup>135</sup> UNHCR also estimates that over 600,000 internally displaced people returned to their places of origin in Syria, although the number of those who may have faced secondary displacement is unknown.<sup>136</sup> Between January and mid-September 2017, UNHCR monitored 57,000 Syrian refugees returning from neighbouring countries.<sup>137</sup> Reasons for refugee returns reportedly include, *inter alia*, the wish to seek out family members and check on property as well as hardships faced by Syrian refugees in host countries, such as limited job opportunities, prohibitive costs of living and expensive medical care.<sup>138</sup> A number of refugees may moreover return for a short period of time to assess the situation before deciding whether it is safe and viable to bring their families from countries of asylum (“go and see visits”). In spite of these self-organized returns, UNHCR believes that conditions for refugees to return in safety and dignity are not yet in place in Syria. Insecurity continues across many parts of the country and the risk of human rights violations remains high. Similarly, the sustainability of security improvements in many return areas is uncertain.<sup>139</sup> Other challenges to any sustainable and large-scale returns include limited livelihood opportunities, shortages of food and water, and sporadic or non-existent health, social and other basic services. Many of Syria’s schools have been damaged or destroyed and offer no possibility for education.<sup>140</sup> For these reasons, at this stage UNHCR can neither promote nor facilitate refugee returns from host countries.

<sup>131</sup> European Asylum Support Office (EASO), *Latest Asylum Trends – August 2017*, August 2017, <http://bit.ly/2yIF0UK>.

<sup>132</sup> European Union: Council of the European Union, *EU-Turkey Statement*, 18 March 2016, <http://www.refworld.org/docid/5857b3444.html>.

<sup>133</sup> Between 1 January and 30 September 2017, 11,733 Syrians have been recorded among the Mediterranean Sea arrivals; UNHCR, *Operational Portal – Mediterranean Situation*, accessed 30 October 2017, <http://data2.unhcr.org/en/situations/mediterranean>. See also, UNHCR, *Desperate Journeys – Refugees and Migrants Entering and Crossing Europe via the Mediterranean and Western Balkans Routes*, August 2017, <http://bit.ly/2g8oVTS>; UNHCR, *Refugees and Migrants Face Heightened Risks while Trying to Reach Europe – UNHCR Report*, 27 February 2017, <http://bit.ly/2mohiuh>.

<sup>134</sup> 2016 was the deadliest year on record on the Mediterranean Sea with more than 5,000 deaths recorded. This compares to the 3,771 recorded in 2015. By 30 October 2017, an estimated 2,806 refugees and migrants have died or are reported missing; UNHCR, *Operational Portal – Mediterranean Situation*, last updated 30 October 2017, <http://data2.unhcr.org/en/situations/mediterranean>; UNHCR, *UNHCR Lauds Europe’s Rescue Efforts in Mediterranean Sea*, 15 January 2017, <http://bit.ly/2iqPUdA>. On the EU-Turkey Statement, see also UNHCR, *Legal Considerations on the Return of Asylum-Seekers and Refugees from Greece to Turkey as Part of the EU-Turkey Cooperation in Tackling the Migration Crisis under the Safe Third Country and First Country of Asylum Concept*, 23 March 2016, <http://www.refworld.org/docid/56f3ee3f4.html>.

<sup>135</sup> See above footnote 116.

<sup>136</sup> UN News Service, *Over 600,000 Displaced Syrians Return Home to Date in 2017 – UN Agency*, 11 August 2017, <http://www.refworld.org/docid/598db7f34.html>. See also, UNHCR, *Update: Durable Solutions for Syrian Refugees*, 7 August 2017, <http://bit.ly/2visLPI>.

<sup>137</sup> Most of them (38,000) returned from Turkey; UNHCR information, October 2017. Some cases of returns have not been verified as voluntary in nature; UNHCR, *Update: Durable Solutions for Syrian Refugees*, 7 August 2017, <http://bit.ly/2visLPI>. See also below, “*Moratorium on Forced Returns*” (Section IV) and sources referenced therein.

<sup>138</sup> UNHCR, *UNHCR Seeing Significant Returns of Internally Displaced amid Syria’s Continuing Conflict*, 30 June 2017, <http://www.refworld.org/docid/59562de64.html>. Intention surveys carried out by UNHCR in February and April 2017 found that the majority (76 per cent) of Syrian refugees interviewed would consider return after 2017 if there were to be a significant improvement in conditions in return areas; UNHCR, *Flash Update: Syrian Refugee & IDP Returns*, 30 June 2017, <http://bit.ly/2tANRIO>, p. 2.

<sup>139</sup> “*The level of destruction of housing and infrastructure, basic services, social safety nets, and livelihood opportunities inside the country is massive, the security and humanitarian situation remains volatile, and displacement continues. Returnees may face the possibility of renewed or ongoing fighting and are expressing concerns about obstacles to return such as recruitment by armed groups, arrest and detention, and other forms of physical violence*”; UNHCR, *Update: Durable Solutions for Syrian Refugees*, 7 August 2017, <http://bit.ly/2visLPI>. See also, UNHCR, *Flash Update: Syrian Refugee & IDP Returns*, 30 June 2017, <http://bit.ly/2tANRIO>, p. 2. See also “*Conflict and Security Situation*” (Section II.A) and “*Eligibility under an Extended/Broader Refugee Definition and/or Complementary Forms of Protection*” (Section III.B) and sources referenced therein.

<sup>140</sup> Refugees surveyed by UNHCR said that insecurity, lack of access to services – including water, health, education and electricity – and limited livelihoods opportunities were the main obstacles to return. Around 50 per cent of the respondents reported that their property in

Between June and August 2017, around 7,000 Syrians returned from Arsal, a border town in Lebanon, to various locations in Syria, under local agreements brokered between Hezbollah and Syrian anti-government armed groups. While the agreements seem to have been primarily aimed at the evacuation of fighters who, because of their background, are not persons of concern to UNHCR, a number of civilians joined these movements, including an unconfirmed number of refugees registered with UNHCR. Concerns have been expressed about the extent to which the civilians who were part of these movements had the possibility to make a free and informed decision about whether to return.<sup>141</sup>

## E. Humanitarian Situation

Conflict remains the principal cause of Syria's humanitarian crisis.<sup>142</sup> With the conflict in Syria now in its seventh year, the humanitarian situation continues to deteriorate even further. The Humanitarian Needs Overview published in December 2016 stated, "[A]t the beginning of 2016, it was difficult to conceive that the situation for those in Syria could get any worse. Nonetheless, the combination of unrelenting hostilities, continued violations of IHL and IHRL, including obstructions to humanitarian access and the effects of economic collapse, have seen an already catastrophic humanitarian situation deteriorate yet further."<sup>143</sup> According to the 2017 Humanitarian Needs Overview, 13.5 million persons are in need of protection and humanitarian assistance,<sup>144</sup> including approximately 5.7 million people in need of immediate life-saving

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Syria was damaged or destroyed, representing a significant impediment to return; UNHCR, *Flash Update: Syrian Refugee & IDP Returns*, 30 June 2017, <http://bit.ly/2tANRIO>, p. 2.

<sup>141</sup> HRW, Human Rights Watch, *Lebanon: Refugees in Border Zone at Risk*, 20 September 2017, <http://www.refworld.org/docid/59c21dc84.html>; UN Security Council, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015) and 2332 (2016)*, 21 September 2017, S /2017/794, <http://www.refworld.org/docid/59d4dc8a4.html>, para. 12; UNHCR, *UNHCR Lebanon Statement on Returns from Arsal*, 3 August 2017, <http://bit.ly/2zdfIhd>; Syria Protection Cluster (Turkey) – Protection Monitoring Task Force, *Rapid Protection Monitoring Report - Movement: Arsal, Lebanon to Idleb and Aleppo*, August 2017, <http://bit.ly/2vDqYC4>; Al Jazeera, *Syrian Refugees in Lebanon Live in Fear after Arsal*, 28 August 2017, <http://bit.ly/2vymGgj>; The Guardian, *Thousands of Refugees and Militants Return to Syria from Lebanon*, 14 August 2017, <http://bit.ly/2w8INFE>; Los Angeles Times, *Departure of Syrian Rebels and Refugees from Lebanon Raises Specter of Forced Returns*, 13 August 2017, <http://lat.ms/2uORcRE>; The New York Times, *Militants and Refugees Return to Syria Under Cease-Fire Deal*, 2 August 2017, <http://nyti.ms/2v1hZtz>; Reuters, *Refugees Return to Syria from Lebanon in Hezbollah-Mediated Deal*, 12 July 2017, <http://reut.rs/2uSmSWZ>.

<sup>142</sup> OCHA, *2017 Humanitarian Needs Overview*, 1 December 2016, <http://bit.ly/2kCi16M>, p. 8.

<sup>143</sup> *Ibid.*, p. 9. See also, OCHA, *Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator Stephen O'Brien Statement to the Security Council on the Humanitarian Situation in Syria*, 22 February 2017, <http://bit.ly/2lqx6sc>; WHO/OCHA/WFP/UNICEF/UNHCR, *Joint Statement on Syria*, 16 January 2017, <http://bit.ly/2iZilM4>.

<sup>144</sup> OCHA, *2017 Humanitarian Needs Overview*, 1 December 2016, <http://bit.ly/2kCi16M>.

assistance.<sup>145</sup> At the end of 2015, 85 per cent of Syrians were estimated to live in poverty.<sup>146</sup> Since then, livelihood opportunities have reportedly further diminished, leading to even deeper levels of poverty.<sup>147</sup>

Access to food,<sup>148</sup> water and sanitation,<sup>149</sup> housing,<sup>150</sup> health care,<sup>151</sup> and education<sup>152</sup> continues to be severely affected by the cumulative effects of armed conflict and the related destruction of infrastructure,<sup>153</sup>

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<sup>145</sup> “(...) 5.7 million people in need live in areas of Syria where the level of need is considered to have reached catastrophic, critical, or severe levels, including 1 million in areas categorized as catastrophic, 383,000 in areas categorized as critical, and 3.3 million in areas categorized as severe”; OCHA, *2017 Humanitarian Needs Overview*, 1 December 2016, <http://bit.ly/2kCi16M>, p. 19.

<sup>146</sup> An estimated 85 per cent of Syrians live in poverty. Of these, 69 per cent live in extreme poverty and are unable to cover their basic needs, including food. Poverty levels reportedly differ across governorates, and increases dramatically in conflict-affected and besieged areas. According to UNICEF, approximately seven million children live in poverty; OCHA, *2017 Humanitarian Needs Overview*, 1 December 2016, <http://bit.ly/2k6TwnU>, pp. 6, 7, 13, 14 SCPR, *Impact of Syrian Crisis Report*, 11 February 2016, <http://bit.ly/2kCi16M>, pp. 8, 45-47.

<sup>147</sup> WFP, *Livelihood and Resilience – Syria 2017*, June 2017, <http://bit.ly/2hYxIlk>; OCHA, *2017 Humanitarian Needs Overview*, 1 December 2016, <http://bit.ly/2kCi16M>, p. 14.

<sup>148</sup> Inaccessibility, besiegement and displacement have contributed to multiple, mutually reinforcing triggers of food insecurity. These have negatively affected the three core food security indicators: food availability, coping strategies and food consumption. Nearly seven million people, including 3.9 million children, are estimated to be food insecure. In addition, three million Syrians are at risk of becoming food insecure. Food insecurity conditions are reported to be especially acute for those living in besieged and hard-to-reach areas, where food supplies are extremely limited. In total, nine million people are reported to be in need of some type of food assistance. Many Syrians, especially female-headed households and IDPs, have to resort to strategies such as eating fewer meals per day, borrowing food and limiting meal sizes to cover the severe food shortages; WFP, *Syria mVAM Bulletin #17: September 2017 – Food Security Deteriorates in Governorates Affected by the Recent Escalation of Violence*, 30 September 2017, <http://bit.ly/2yPQJ4y>; WFP, *WFP Syria Country Brief, August 2017*, 31 August 2017, <http://bit.ly/2iCeIQV>; UN Food and Agriculture Organization (FAO), *GIEWS - Global Information and Early Warning System – Country Brief Syria*, 21 July 2017, <http://bit.ly/2tBw1IG>; FAO, *Global Report on Food Crises 2017*, March 2017, <http://www.refworld.org/docid/58e20dc64.html>, pp. 15, 18, 107-108; OCHA, *2017 Humanitarian Needs Overview*, 1 December 2016, <http://bit.ly/2kCi16M>, pp. 39-41. See also, WFP, *mVAM Food Security Analysis - Bulletins*, <http://bit.ly/24GCV9n>.

<sup>149</sup> Damaged water infrastructure, a lack of maintenance, and limited power supply has resulted in a significant reduction in access to safe water; UN Human Rights Council, *Human Rights Abuses and International Humanitarian Law Violations, 21 July 2016 - 28 February 2017*, 10 March 2017, <http://www.refworld.org/docid/58c80d884.html>, paras 32-37, 106; UNICEF, *Syrian Children Suffer as Taps Run Dry in Damascus*, 16 January 2017, <http://uni.cf/217GhBP>; OCHA, *2017 Humanitarian Needs Overview*, 1 December 2016, <http://bit.ly/2kCi16M>, pp. 50-51; The Guardian, *Water Supplies in Syria Deteriorating Fast due to Conflict, Experts Warn*, 7 September 2016, <http://bit.ly/2coH8XZ>.

<sup>150</sup> An estimated 4.3 million people are reportedly in need of shelter in Syria; UNHCR/Shelter Cluster, *Syria: Shelter Monthly, August 2017*, Issue No. 10, 31 August 2017, <http://bit.ly/2fWCZA8>. According to a study by the World Bank in ten cities, as of early 2017, the conflict has impacted 27 per cent of the housing stock (seven per cent destroyed and 20 per cent partially damaged). “The percentage varies across cities, with the highest full destruction occurring in Deir Ez-Zour (10 percent) and the highest partial damage in Palmyra (32.8 percent). With 8 percent destroyed housing units and 23 percent partially damaged, Aleppo is also among the worst impacted cities”; World Bank, *The Economic and Social Consequences of the Conflict in Syria*, 10 July 2017, <http://bit.ly/2A6nTgx>, p. v. According to the Humanitarian Needs Overview, a reported 1.9 million people are reported to be in “acute and immediate need” of shelter. In over one third of the country, adequate housing, including apartments for rent, is reportedly not available, while in some other areas adequate housing has become unaffordable for many. More than half of the population (52 per cent) are reported to live in sub-standard housing; OCHA, *2017 Humanitarian Needs Overview*, 1 December 2016, <http://bit.ly/2kCi16M>, pp. 48-49. See also, NRC, *Briefing Note: Housing Land and Property (HLP) in the Syrian Arab Republic*, May 2016, <http://bit.ly/2phCpwZ>, pp. 10-12. For details on the extent of destroyed or damaged buildings by location in Syria, see shelter damage assessments by REACH, <http://bit.ly/21ThQa2>.

<sup>151</sup> “Over the past 6 years access to health services for the civilian population in the country has seriously deteriorated. More than half of public hospitals and primary health centres in Syria have either closed or are only partially functioning. Almost two-thirds of health care workers have fled. Many health care facilities that are open lack clean water, electricity, and sufficient medical and surgical supplies”; WHO, *Health Care a Casualty of Six Years of War in Syria*, 15 March 2017, <http://bit.ly/2nv6xDM>. A total of 12.8 million people are estimated to be in need of health assistance in Syria, of which 5.5 million are children OCHA, *2017 Humanitarian Needs Overview*, 1 December 2016, <http://bit.ly/2kCi16M>, pp. 42-43. See also, World Bank, *The Economic and Social Consequences of the Conflict in Syria*, 10 July 2017, <http://bit.ly/2A6nTgx>, pp. v, 38-41; OCHA, *Syrian Arab Republic: Humanitarian Dashboard (Jan - Mar 2017)*, 10 June 2017, <http://bit.ly/2tZOaMS>, p. 4. On the targeting of medical personnel, see below “Certain Professionals – Doctors and other Health Professionals” (Section III.A.7) and sources referenced therein.

<sup>152</sup> Over three million children are reported to be out of school or at risk of dropping out and a total of six million children and education personnel are reportedly in need of education assistance; OCHA, *Syrian Arab Republic: Humanitarian Dashboard (Jan - Mar 2017)*, 10 June 2017, <http://bit.ly/2tZOaMS>, p. 3. “Syria’s formal education system has lost a total of 150,000 education personnel and seen 7,400 schools – one in three in the country – damaged, destroyed, or otherwise made inaccessible”; OCHA, *Under-Secretary-General For Humanitarian Affairs and Emergency Relief Coordinator, Stephen O’Brien Statement to the Security Council on Syria*, 22 February 2017, <http://bit.ly/2vYJkxD>. See also “Children with Certain Profiles or in Specific Circumstances” (Section III.A.11, footnote 359).

<sup>153</sup> World Bank, *The Economic and Social Consequences of the Conflict in Syria*, 10 July 2017, <http://bit.ly/2A6nTgx>, p. v.

disruption of essential services and loss of livelihoods.<sup>154</sup> In addition, parties to the conflict have reportedly used the denial of access to basic services such as water as a military strategy.<sup>155</sup> Further, parties to the conflict are reported to have used sieges of towns and neighbourhoods to deprive civilian populations of access to food and other basic necessities.<sup>156</sup>

UNRWA estimates that 438,000 Palestine refugees registered with the Agency remain in Syria, nearly all of which (95 per cent) are in critical need of sustained humanitarian assistance.<sup>157</sup> Numerous homes, shops, schools and health facilities in Palestinian camps and residential areas, including UN facilities, have reportedly been damaged or destroyed as a result of conflict, seriously affecting UNRWA's operations in Syria and making it more difficult for Palestinian refugees to obtain essential services.<sup>158</sup> At the time of writing, three of the 12 Palestinian refugee camps have been destroyed and remain inaccessible to UNRWA.<sup>159</sup>

Children continue to be among those who are most severely affected by the conflict.<sup>160</sup> By September 2017, nearly six million children were estimated to be in need of humanitarian assistance, with half of them being

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<sup>154</sup> According to the World Bank, “[S]ince the onset of the conflict, jobs were destroyed at an estimated rate of approximately 538,000 per year on average between 2010 and 2015, adding 482,000 people to the unemployment pool every year. More than three in four Syrians of working age (7.7 percent, or nine million individuals) are not involved in any economic value generation: 2.9 million of them are unemployed and 6.1 million are inactive. Unemployment among youth reached 78 percent in 2015”; World Bank, *The Economic and Social Consequences of the Conflict in Syria*, 10 July 2017, <http://bit.ly/2A6nTgx>, pp. vii-viii. See also, OCHA, *2017 Humanitarian Needs Overview*, 1 December 2016, <http://bit.ly/2kCi16M>, p. 17; SCPR, *Impact of Syrian Crisis Report*, 11 February 2016, <http://bit.ly/2iTMkdd>, pp. 7, 37.

<sup>155</sup> “During 2016 water continued to be used as a weapon of war. On approximately 30 different occasions, water infrastructure and water supply were directly attacked or deliberately turned off as a tactic of war. Major cities like Aleppo and Damascus suffered water shortages due to those tactics in addition to lack of maintenance and damage to the water systems; UNICEF, *Whole of Syria – WASH Facts and Figures – January - December 2016*, 30 January 2017, <http://bit.ly/2m29bTi>. See also above, “Violations and Abuses of Human Rights and Violations of International Humanitarian Law” (Section II.C) and sources referenced therein.

<sup>156</sup> “Use of siege warfare has affected civilians more tragically than any other tactic employed by warring parties in the conflict. Presently over 600,000 Syrian men, women and children countrywide remain trapped in besieged locations, often in the direst conditions. During the period under review, warring parties continued to lay siege to encircled communities and instrumentalize humanitarian aid deliveries to trapped civilians in order to compel surrender in Damascus, Rif Damascus, Dayr el-Zawr, Homs and Idlib Governorates. These sieges are characterized by the routine denial of delivery of vital foodstuffs, health items and other essential supplies to besieged enclaves, as well as indiscriminate attacks and deliberate attacks targeting civilian infrastructure, including hospitals, in order to erode the viability of life under the control of opposing sides”; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 8 August 2017, <http://www.refworld.org/docid/59b24fe14.html>, para. 18. See also, UN General Assembly, *Report of the Special Representative of the Secretary-General for Children and Armed Conflict*, 2 September 2017, A/72/276, <http://www.refworld.org/docid/59ad61f64.html>, para. 18; OCHA, *2017 Humanitarian Needs Overview*, 1 December 2016, <http://bit.ly/2kCi16M>, p. 10. See also above, “Violations and Abuses of Human Rights and Violations of International Humanitarian Law” (Section II.C, footnotes 73, 90 and 96).

<sup>157</sup> UNRWA, *Syria: UNRWA – Palestine Refugees Demographics Verification Exercise 2016*, 12 June 2017, <http://bit.ly/2tiIT1M>; UNRWA, *Syria: UNRWA – Humanitarian Snapshot, April 2017*, 18 May 2017, <http://bit.ly/2sioVBW>.

<sup>158</sup> “The dynamics and unpredictability of the crisis continued to severely constrain the delivery of both regular and life-saving humanitarian assistance by UNRWA and other aid agencies”; UN General Assembly, *Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, 1 January-31 December 2016*, 22 May 2017, A/72/13, <http://www.refworld.org/docid/59ef4f534.html>, para.12. See also, UNRWA, *Syria: UNRWA – Palestine Refugees Demographics Verification Exercise 2016*, 12 June 2017, <http://bit.ly/2tiIT1M>. Major damage to health facilities in Syria has had a significant impact on the Agency's capacity to provide health care to Palestinian refugees. Since 2012, eight out of 23 UNRWA health centres have become unusable or inaccessible; UNRWA, *2016 Emergency Appeal Syria Regional Crisis Progress Report*, 9 February 2017, <http://bit.ly/2IAkQ2>, p. 12. Furthermore, of 118 UNRWA schools operational pre-conflict, 34 have been fully or partially damaged as of April 2015 and only 44 schools remain open. At the same time, nine UNRWA schools operate as collective centres for over 1,800 IDPs; UNRWA, *Syria: UNRWA – Humanitarian Snapshot, September 2017*, October 2017, <http://bit.ly/2yTuoW4>.

<sup>159</sup> Ein El-Tal Camp (Aleppo Governorate), Yarmouk (Damascus Governorate) and Dera'a Camp (Dera'a Governorate); UNRWA, October 2017. See also below, footnote 170.

<sup>160</sup> “Children throughout the Syrian Arab Republic remain disproportionately vulnerable to violence and abuse. (...) Syrian children suffered as a consequence of attacks against civilians, lack of access to education, and their recruitment as child soldiers”; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 8 August 2017, <http://www.refworld.org/docid/59b24fe14.html>, para. 49. See also, UN Security Council, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015) and 2332 (2016)*, 21 September 2017, S /2017/794, <http://www.refworld.org/docid/59d4dc8a4.html>, para. 15.

internally displaced.<sup>161</sup> Children are reportedly among those most severely affected by sieges, with most fatalities resulting from malnutrition and dehydration being young children.<sup>162</sup> Large numbers of children are reported to be severely traumatized.<sup>163</sup> According to Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Stephen O'Brien, "[A] generation of children in Syria have known nothing but brutal conflict and fear during their short lives."<sup>164</sup>

The loss or destruction of civil documentation and the disruption or absence of civil documentation services in non-government held areas compromise civilians' freedom of movement, access to civil rights, services and livelihoods.<sup>165</sup> Many children who have been born in Syria since the start of the conflict, particularly in areas outside government control, do not have any recognized documentation of their identity, family composition or nationality, rendering them at heightened risk of statelessness.<sup>166</sup> Due to the lack of

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<sup>161</sup> UNICEF, *28.2 Million Children in Need in the Middle East & North Africa*, 11 September 2017, <http://bit.ly/2fkGPzA>. See also, UNICEF, *Syria Crisis Situation Report August 2017 Humanitarian Results*, 31 August 2017, <http://bit.ly/2hCrUER>, p. 2; UNICEF, *Hitting Rock Bottom: Children's Suffering in Syria at Its Worst*, 13 March 2017, <http://bit.ly/2qqpwEa>.

<sup>162</sup> At the end of September 2017, an estimated 226,000 children were living in areas under siege with an estimated 1.68 million children living in hard-to-reach areas with limited access to humanitarian assistance; UNICEF, *UNICEF Syria Crisis Situation Report September 2017 – Humanitarian Results*, 30 September 2017, <http://bit.ly/2iX41IV>, p. 2. "(...) over half of all premature deaths in areas under siege have occurred in children under 14 years old, a quarter of them infants"; UNICEF, *No Place for Children – The Impact of Five Years of War on Syria's Children and their Childhoods*, 14 March 2016, <http://www.refworld.org/docid/56ef99e44.html>, p. 8. See also, OHCHR, *Syria: Suffering of Civilians in Eastern Ghouta "an Outrage" – Zeid*, 27 October 2017, <https://shar.es/1PCbac>; WFP, *WFP Appeals for Access to Besieged Syrian Enclave Amid Reports of Severe Hunger*, 26 October 2017, <http://bit.ly/2z8xyGd>; UNICEF, *Hitting Rock Bottom: Children's Suffering in Syria at Its Worst*, 13 March 2017, <http://bit.ly/2qqpwEa>; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 11 August 2016, <http://www.refworld.org/docid/57d015fd4.html>, paras 119-121; The Washington Post, *Syria's Children Starve as America Looks on*, 6 June 2016, <http://wapo.st/2m3B51V>; CBS News, *U.N. Agency: Starving Syrian Teen Died 'in Front of Our Eyes'*, 14 January 2016, <http://cbsn.ws/1SSfFHs>.

<sup>163</sup> "Millions of children in Syria are living in daily fear – of airstrikes and bombs that destroy their homes, killing children and their loved ones; of no longer being able to go to school; of wondering where the next meal will come from; and of being separated from their families"; Save the Children, *Invisible Wounds – The Impact of Six Years of War on the Mental Health of Syria's Children*, 6 March 2017, <http://bit.ly/2mzCCwJ> (hereafter: Save the Children, *The Impact of Six Years of War on the Mental Health of Syria's Children*, 6 March 2017, <http://bit.ly/2mzCCwJ>), p. 6. See also, Their World, *Toxic Stress Spells Disaster for many Children in Syria and other Conflict Countries*, 3 August 2017, <http://bit.ly/2vBB0XO>; Qantara, *Syria's Traumatized Children – The Horror that Never Fades*, 2 August 2017, <http://bit.ly/2wz1ZjS>; The New Arab, *Syrian Doctor Coins New Term for Children's Extreme War-Trauma*, 25 February 2017, <http://bit.ly/2m9Cns9>; The Independent, *Aleppo: Footage Shows Injured Children so Traumatized They Have Stopped Crying*, 17 December 2016, <http://ind.pn/2hF3AjW>.

<sup>164</sup> OCHA, *Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Stephen O'Brien, Message on the Syria Crisis*, 15 March 2017, 17 March 2017, <http://bit.ly/2zcQH99>.

<sup>165</sup> According to the 2018 Protection Needs Overview, 83 per cent of communities reported lack or loss of civil documentation as an issue. Among these communities, concerns about approaching government authorities and loss of documents were described as the main reasons for not having official/government-issued documents, followed by the unavailability of governmental services. Among communities reporting the lack or loss of civil documentation as an issue, respondents mentioned restrictions of movement (76%), inability to register life events (73%), difficulties in making transactions relating to housing, land and property (HLP) (70%), and diminished access to humanitarian assistance (56%) as the main consequences of not having official or government-issued civil documentation; Protection Cluster, *Syrian Arab Republic: Whole of Syria Protection Sector – 2018 Protection Needs Overview*, 12 October 2017, <http://bit.ly/2z5XPof> (hereafter: Protection Cluster, *2018 Protection Needs Overview*, 12 October 2017, <http://bit.ly/2z5XPof>), pp. 46-48. "Key documents are often lost or destroyed as civilians flee the conflict or because their homes are damaged or destroyed. The ability to renew or verify such documents is further severely hampered by the lack of official civil registration services in areas outside government control or because government record offices have been affected by the fighting. The lack of documentation compromises the ability of civilians to gain access to services and employment and limits their capacity to cope with the effects of the conflict. It also compromises their freedom of movement, notably their ability to move to safer locations within the country or to flee the country. (...) Civilians also face difficulties in claiming child custody, property rights and inheritance."; UN General Assembly, *Situation of Human Rights*, 9 June 2016, <http://www.refworld.org/docid/576a33aa4.html>, paras 61-62. See also, NRC/UNHCR, *Displacement, HLP and Access to Civil Documentation in the South of the Syrian Arab Republic (July 2017)*, 31 July 2017, <http://bit.ly/2inGtZy>, pp. 4, 15-17; NRC/UNHCR, *Displacement, Housing, Land and Property and Access to Civil Documentation in the North West of the Syrian Arab Republic (July 2017)*, 31 July 2017, <http://bit.ly/2zr66nd>, pp. 4, 24-27; UNHCR, *Lack of Documentation Poses Extra Risk to Displaced Syrians*, 13 April 2017, <http://bit.ly/2vIksRi>.

<sup>166</sup> "Documents issued outside of Syrian government controlled areas are not official documents and so it is unclear whether they will be acceptable to the Syrian authorities, at least in terms of having evidentiary value for civil status events. It was found that around three quarters of those not included in the family booklet may therefore be at risk of statelessness"; NRC/UNHCR, *Displacement, Housing, Land and Property and Access to Civil Documentation in the North West of the Syrian Arab Republic (July 2017)*, 31 July 2017, <http://bit.ly/2zr66nd>, pp. 24-25. "An emerging challenge is the question of the legitimacy and value attributed to personal documents issued in non-government controlled areas by non-State actors such as the Kurdish Self Administrated Area, Local Councils in southern Syria

documentation proving their age and therefore their status as children, adolescents are reportedly more susceptible to child labour and recruitment by armed actors.<sup>167</sup>

According to the reports of the UN Secretary-General on the implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015) and 2332 (2016), UN humanitarian agencies and partners were able to deliver humanitarian assistance to millions of people in need, including cross-line and cross-border.<sup>168</sup> However, insecurity, administrative impediments, the closure of key border points, and resource shortfalls continued to hinder aid delivery,<sup>169</sup> rendering the humanitarian situation particularly critical in besieged and hard-to-reach areas.<sup>170</sup> Security risks to humanitarian workers are high, as dozens of humanitarian workers have been killed, detained or abducted and UN vehicles, warehouses and ambulances have been attacked.<sup>171</sup>

In December 2016, amid the unprecedented scale and progressively protracted nature of the Syria crisis and the international community's continuing need to provide essential, life-saving humanitarian aid, the UN launched the largest appeal yet with the Syria Humanitarian Response Plan 2017 and the Regional Refugee and Resilience Plan (3RP). The two plans called for US\$ eight billion in total to provide humanitarian aid to Syria and neighbouring countries. As at 30 October 2017, according to the UN financial tracking system,

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*and the Free Independent Judicial Council under the Interim Government in northern Syria. These non-State actors have become involved in registering births and marriages*"; NRC/IDMC, *Understanding Statelessness in the Syria Refugee Context*, 2016, <http://www.refworld.org/docid/584021494.html>, p. 30. "The GoS civil registration system remains inaccessible to most civilians residing in non-GoS controlled areas due to safety and cost. However, non-state documentation is limited in utility by its lack of legitimacy outside of the areas where the issuing authority is active"; International Rescue Committee (IRC), *Identify Me – The Documentation Crisis in Northern Syria* July 2016, <http://bit.ly/2mQTDD5>, p. 6. See also, NRC/UNHCR, *Displacement, HLP and Access to Civil Documentation in the South of the Syrian Arab Republic (July 2017)*, 31 July 2017, <http://bit.ly/2inGtZy>, p. 16; US Department of State, *2016 Country Reports on Human Rights Practices – Syria*, 3 March 2017, <http://www.refworld.org/docid/58ec89bf13.html>, p. 48; Institute for War and Peace Reporting, *Syria: Documenting Births, Marriages and Deaths*, 7 October 2016, <http://www.refworld.org/docid/576a33aa4.html>, para. 62.

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UN General Assembly, *Situation of Human Rights*, 9 June 2016, <http://www.refworld.org/docid/576a33aa4.html>, para. 62. See subsequent reports of the Secretary-General on the Implementation of UNSC Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015) and 2332 (2016), available at: <http://bit.ly/2qJYe7C>.

According to the Special Envoy of the Secretary-General for Syria, Staffan De Mistura, "[T]he desired improvement on humanitarian access continues to elude us, and this is due to many factors: the ongoing fighting in some areas, bureaucratic impediments or interference by parties to the conflict"; UN Secretary-General, *Briefing to the Security Council by Staffan De Mistura, Special Envoy to the Secretary-General [as Delivered]*, 26 October 2017, <http://bit.ly/2gXhD2d>. See also, OHCHR, *Syria: Monthly Human Rights Digest – September 2017*, 6 October 2017, <http://www.refworld.org/docid/59db24594.html>, pp. 5-6; UN Security Council, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015) and 2332 (2016)*, 21 September 2017, S/2017/794, <http://www.refworld.org/docid/59d4dc8a4.html>, para. 24; UN Secretary-General, *Children and Armed Conflict 24 August 2017*, <http://www.refworld.org/docid/59db4a194.html>, para. 185; UN News Service, *Delays in Access in Syria Will Mean Further Death, Warns Top UN Relief Official*, 29 June 2017, <http://www.refworld.org/docid/595618664.html>.

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UN Security Council, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015) and 2332 (2016)*, 21 September 2017, S/2017/794, <http://www.refworld.org/docid/59d4dc8a4.html>, para. 24; REACH, *Syria: Besieged and Hard-to-Reach Communities Continue to Face Access Restrictions Threatening Their Ability to Meet Basic Needs*, 3 August 2017, <http://bit.ly/2viEFXZ>; Al Jazeera, *UN Struggles to Deliver Humanitarian Aid in Syria*, 28 July 2017, <http://aje.io/llvws>; UN Security Council, *Report of the Secretary-General on the Protection of Civilians in Armed Conflict*, 10 May 2017, <http://www.refworld.org/docid/5937a99d4.html>, para. 50. As of September 2017, nearly three million persons are estimated to live in besieged and hard-to-reach locations, including approximately 420,000 persons in 10 besieged areas in the Governorates of Damascus (Yarmouk and Qaboun), Idlib (Fu'ah and Kefraya), Rural Damascus (various locations in the areas of Duma, Harasta, Irbin, Kafr Batna, and Nashabiyah and Bayt Jinn). Ninety-five per cent of these areas are besieged by the Government, two per cent by anti-government armed groups and three per cent by both the Government and anti-government armed groups.; OCHA, *Syrian Arab Republic: Besieged Communities (as at 27 September 2017)*, 27 September 2017, <http://bit.ly/2iF4OPk>; OCHA, *Syrian Arab Republic: Overview of Hard-to-Reach and Besieged Locations (as of 27 September 2017)*, 27 September 2017, <http://bit.ly/2gVCjYF>; OCHA, *Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator Mr. Mark Lowcock: Statement to the Security Council on Syria*, 27 September 2017, <http://bit.ly/2zqVHbi>, p. 3. "Both government and opposition forces reportedly besieged, shelled, and otherwise made practically inaccessible some Palestinian refugee camps, neighborhoods, and sites, which resulted in severe malnutrition, lack of access to medical care and humanitarian assistance, and civilian deaths"; US Department of State, *2016 Country Reports on Human Rights Practices – Syria*, 3 March 2017, <http://www.refworld.org/docid/58ec89bf13.html>, pp. 34-35. According to UNRWA, by June 2017, 28,900 Palestine refugees remained trapped in hard-to-reach and besieged areas in Damascus (Yarmouk), Rural Damascus (Khan Eshieh) and Dera'a Governorates (Muzeireb and Jillin); UNRWA, *Syria: UNRWA – Palestine Refugees Demographics Verification Exercise 2016*, 12 June 2017, <http://bit.ly/2tiT1M>; UNRWA, *Annual Operational Report 2016, for the Reporting Period 1 January – 31 December 2016*, 16 May 2017, <http://bit.ly/2vEL3IA>, p. 5.

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See below "Certain Professionals – Humanitarian Workers" (Section III.A.7) and sources referenced therein.

the two plans have only received 39.9 and 46.2 per cent, respectively, of their total budget requirements.<sup>172</sup> In the past years, aid programmes inside Syria and the region have been affected by funding shortfalls.<sup>173</sup>

## F. Situation of Refugees and Asylum-Seekers

By the end of September 2017, over 35,800 persons were registered with UNHCR in Syria as **refugees and asylum-seekers**.<sup>174</sup> The large majority originates from Iraq,<sup>175</sup> including some of Palestinian origin, in addition to small groups from Afghanistan, Sudan and other countries.<sup>176</sup> As a result of the renewed escalation of conflict in Iraq since 2014, including the military offensive against ISIS in Mosul and surroundings, an additional 23,800 Iraqis fled to Syria, where they reside in the Newroz, Roj and Al-Hol camps in Hassakeh Governorate in north-eastern Syria. Owing to security constraints and operational reasons, these Iraqis are yet to be formally registered by UNHCR.<sup>177</sup>

Traditionally, most refugees and asylum-seekers in Syria reside in Damascus, its surrounding countryside and in Hassakeh Governorate, and, to a lesser extent, in Homs, Aleppo, Lattakia, Tartous, Deir Ez-Zour and Dera'a Governorates, including in many areas that have been directly affected by conflict. Refugees and asylum-seekers residing in conflict areas are at risk of being displaced, harassed, threatened, arrested, kidnapped, injured or killed on the same basis as Syrians residing in these areas.<sup>178</sup> In addition, tightened security procedures at checkpoints as well as lack/loss of identity documents limit their freedom of movement, hamper their access to assistance and public services and expose them to risks of harassment and exploitation.<sup>179</sup> Refugees and asylum-seekers' perceived association with one of the parties to the conflict, based on their nationality, ethnic or religious background, may expose them to direct targeting, individually or as a group.<sup>180</sup>

Prior to the conflict, informal economic and social support mechanisms maintained the livelihoods of many refugees although they had no formal right to employment.<sup>181</sup> Loss of such mechanisms due to the conflict has resulted in refugee families becoming fully reliant on humanitarian assistance and support provided by

<sup>172</sup> Financial Tracking Service (FTS), *Syria Regional Crisis 2017 Overview*, accessed 30 October 2017, <http://bit.ly/2tzkt4F>.

<sup>173</sup> FTS, *Syria Regional Crisis 2016 Overview*, accessed 30 October 2017, <http://bit.ly/2v3X6SU>. See also, UN News Service, *UNICEF-Backed Projects for Millions of Children in Syria on Verge of Being 'Cut Off'*, 16 June 2017, <http://www.refworld.org/docid/59479c684.html>; UNHCR, *UNHCR Syria Situation Response: Urgent Needs*, 1 June 2017, <http://bit.ly/2uFvVoC>.

<sup>174</sup> UNHCR information, October 2017.

<sup>175</sup> As at 30 September 2017, 16,008 Iraqi refugees and 16,084 Iraqi asylum-seekers are registered with UNHCR Syria; UNHCR information, October 2017.

<sup>176</sup> As at 30 September 2017, 1,331 Afghans, 877 Sudanese and 427 Somalis are registered (as refugees and asylum-seekers) with UNHCR Syria, among others; UNHCR information, October 2017.

<sup>177</sup> UNHCR information, October 2017. See also, UNHCR, *Syria Fact Sheet, September 2017*, 20 September 2017, <http://www.refworld.org/docid/59c21aff4.html>.

<sup>178</sup> UN Security Council, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015) and 2332 (2016)*, 23 June 2017, <http://www.refworld.org/docid/595640f74.html>, pp. 12, 15, 17; Middle East Eye, *Islamic State Suicide Bombers Kill Dozens at Syrian Refugee Camp*, 3 May 2017, <http://bit.ly/2uEKWfS>; UNHCR, *Iraq Situation: UNHCR Flash Update - 2 May 2017*, 2 May 2017, <http://bit.ly/2uY5f7t>; UNHCR, *Working Towards a Better Future – UNHCR Syria End of Year Report 2016*, 31 December 2016, <http://bit.ly/2A0CYzE>, p. 63. See also, AFP, *Refugees from Conflict Zones Opt for War-Torn Syria*, 6 September 2017, <http://bit.ly/2xNp9>.

<sup>179</sup> Refugees and asylum-seekers are issued with ID cards by UNHCR and residency permits by the Government of Syria. Individuals without a national passport and/or who entered Syria illegally are currently not entitled to residency permits. Camp-based Iraqis in Hassakeh Governorate do not hold documentation issued by UNHCR as they are not formally registered with UNHCR; UNHCR information, October 2017. See also, UNHCR, *Working Towards a Better Future – UNHCR Syria End of Year Report 2016*, 31 December 2016, <http://bit.ly/2q2vbxz>, p. 63.

<sup>180</sup> "Refugee abuse occurred, including detentions and disappearances of refugees and refugee children. Some refugee populations reported fear of abuse by combatants in the civil war due to nationality or religion"; US Department of State, *2015 Country Reports on Human Rights Practices – Syria*, 13 April 2016, <http://www.refworld.org/docid/571611ff15.html>.

<sup>181</sup> US Department of State, *2016 Country Reports on Human Rights Practices – Syria*, 3 March 2017, <http://www.refworld.org/docid/58ec89bf13.html>, p. 38; UNHCR, *Submission by the United Nations High Commissioner for Refugees for the Office of the High Commissioner for Human Rights' Compilation Report Universal Periodic Review: Syrian Arab Republic*, March 2016, <http://www.refworld.org/docid/57f504b24.html>, p. 2.



UNHCR.<sup>182</sup> Many refugee and asylum-seeker children, who in principle have free access to public education, have seen their education disrupted and are at an increased risk of child labour or other forms of exploitation.<sup>183</sup>

When refugees recognized by UNHCR under its mandate in Syria relocate as a result of the conflict to a third country the fact that they were recognized by UNHCR under its mandate should be accorded considerable weight in state asylum procedures.<sup>184</sup>

### III. Assessment of International Protection Needs of Asylum-Seekers from Syria

#### A. Refugee Protection under the 1951 Convention Criteria and Main Categories of Claims

In view of the serious and widespread violations of IHL and violations and abuses of human rights law and ongoing armed conflict in many parts of the country, UNHCR continues to characterize the flight of civilians from Syria as a refugee movement, with the vast majority of Syrian asylum-seekers continuing to be in need of international refugee protection, fulfilling the requirements of the refugee definition contained in Article 1A(2) of the 1951 Convention. Likewise, Palestinians from Syria are likely to fulfil the requirements of Article 1D and would be *ipso facto* entitled to the benefits of the 1951 Convention.<sup>185</sup>

For many civilians who have fled Syria, the nexus to a 1951 Convention ground will lie in the direct or indirect, real or perceived association with one of the parties to the conflict. A particular feature of the conflict in Syria is that different parties to the conflict frequently impute a **political opinion** to larger groups of people, including families, tribes, religious or ethnic groups, or whole towns, villages or neighbourhoods, by association.<sup>186</sup> As such, members of a larger entity, without individually being singled out, may become the targets for repercussions by different actors for reason of real or perceived support to another party to the conflict.<sup>187</sup> The perception of sharing a political opinion or affiliation in relation to the conflict is often based on little more than an individual's physical presence in a particular area (or the fact that he/she originates from a particular area), or his/her ethnic, religious or tribal background. In those situations, the

<sup>182</sup> UNHCR, *UNHCR Syria In Focus - September 2017*, October 2017, <http://www.refworld.org/docid/59f7287d4.html>, p. 1; UNHCR, *Working Towards a Better Future – UNHCR Syria End of Year Report 2016*, 31 December 2016, <http://bit.ly/2q2vbxq>, p. 63.

<sup>183</sup> UNHCR, *Helping to Save Lives and Rebuilding Communities – UNHCR Syria Mid-Year Report 2016*, 31 August 2016, <http://bit.ly/2q2AEUS>, p. 44.

<sup>184</sup> Up until October 2012, Iraqis in Syria were recognized on a *prima facie* basis, but ever since on the basis of an individual status determination procedure. See, UNHCR, *MM (Iran) v. Secretary of State for the Home Department – Written Submission on Behalf of the United Nations High Commissioner for Refugees*, 3 August 2010, C5/2009/2479, <http://www.refworld.org/docid/4c6aa7db2.html>.

<sup>185</sup> For an analysis on the interpretation of Article 1D, see: UNHCR, *Note on UNHCR's Interpretation of Article 1D of the 1951 Convention Relating to the Status of Refugees and Article 12(1)(a) of the EU Qualification Directive in the Context of Palestinian Refugees Seeking International Protection*, May 2013, <http://www.refworld.org/docid/518cb8c84.html>.

<sup>186</sup> “Communities countrywide have been fragmented, separated from one another by checkpoints, frontlines or ongoing clashes. When displaced by violence or the fear of violence, religious and ethnic communities have tended to cluster together. In seeking safety, their flight has aligned the geographic divisions with differences in real or perceived political loyalties. There is a danger of such geographic divisions becoming entrenched”; UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 11 February 2016, <http://www.refworld.org/docid/56d6b3843ea.html>, para. 95.

<sup>187</sup> In situations of armed conflict and violence, individuals or entire groups or populations may be at risk of being singled out or targeted for persecution for reasons of the 1951 Convention. In its Guidelines on claims for refugee status related to situations of armed conflict and violence, UNHCR noted that: “Situations of armed conflict and violence may be rooted in, motivated or driven by, and/or conducted along lines of race, ethnicity, religion, politics, gender or social group divides, or may impact people based on these factors. In fact, what may appear to be indiscriminate conduct (i.e. conduct whereby the persecutor is not seeking to target particular individuals), may in reality be aimed at whole communities or areas whose inhabitants are actual or perceived supporters of one of the sides in the situation of armed conflict and violence. Who belongs to or is considered or perceived to be affiliated with, a particular side in a situation of armed conflict and violence, is often interpreted broadly by actors during such situations – and may include a range of people, including family members of fighters as well as all those who belong to the same religious or ethnic groups or reside in particular neighbourhoods, villages or towns. A Convention ground is regularly imputed to groups of people based on their family, community, geographic or other links”; UNHCR, *Guidelines on International Protection No. 12*, 2 December 2016, <http://www.refworld.org/docid/583595ff4.html>, para. 33.

risk of being harmed is serious and real, and in no way diminished by the fact that the person concerned may not be targeted on an individual basis.

UNHCR maintains that Syrian civilians and former habitual residents of Syria falling under the below mentioned risk profiles (except for sub-categories within risk profiles 3 and 8) **are likely to be in need of international refugee protection**. Since the publication of Update IV of these International Protection Considerations, the government and the PYD/YPG, respectively, have consolidated their control over parts of the country, while, in parallel, the control over territory by and the military capabilities of anti-government armed groups and ISIS have diminished.<sup>188</sup> Against this background, UNHCR assesses that certain specific sub-categories of civilians within two risk profiles (see risk profiles 3 and 8 in the list below) **may be in need of international refugee protection**, depending on the individual circumstances of the person concerned.

Relevant and reliable country of origin information and eligibility guidance for the following risk profiles is provided in the sections that follow, and, where applicable, also for family members or persons otherwise closely associated with persons of these profiles:

1. ***Persons opposing, or perceived to be opposing, the government***, including, but not limited to, members of political opposition parties; protestors, activists and others perceived to be sympathizing with the opposition; persons perceived to be members of anti-government armed groups; government and Ba’ath Party officials who abandoned their positions; and civilian inhabitants of urban neighbourhoods, towns and villages perceived to be opposing the government.
2. ***Draft evaders and deserters from the Armed Forces***.
3. ***Persons supporting, or perceived to be supporting, the government***, including, but not limited to, government officials and members of government-affiliated parties; members and perceived members of government forces and civilians perceived to be collaborating with government forces; and civilian inhabitants of urban neighbourhoods, towns and villages perceived to be supporting the government.
4. ***Persons opposing, or perceived to be opposing, ISIS in areas under its de facto control or influence***.
5. ***Persons opposing, or perceived to be opposing, anti-government armed groups in areas under their de facto control or influence***.
6. ***Persons opposing, or perceived to be opposing, the PYD/YPG in areas under their de facto control***.
7. ***Certain professionals***, in particular journalists, other media professionals and citizen journalists; academics and teachers; doctors and other health professionals; humanitarian workers, human rights defenders; and artists.
8. ***Members of religious and minority ethnic groups***.
9. ***Persons perceived as contravening Shari’a Law in areas under the control or influence of extremist Islamist armed groups***.
10. ***Women and girls with certain profiles or in specific circumstances***, in particular women without male protection; women who are victims of or at risk of sexual violence, early and forced marriage, domestic violence, “honour crimes” or trafficking.
11. ***Children with certain profiles or in specific circumstances***, in particular children victims of or at risk of underage and forced recruitment, sexual and domestic violence, child labour, trafficking, and systematic denial of access to education.
12. ***Persons of diverse sexual orientations and/or gender identities***.

<sup>188</sup> See above “*Conflict and Security Situation and Recent Political Developments*” (Section II.A) and sources referenced therein.

### 13. *Palestinian refugees.*

The risk profiles listed here are not necessarily exhaustive and may overlap. There is no hierarchy implied in the order in which the risk profiles are presented. The risk profiles are based on information available at the time of writing, and hence, a claim should not be considered as without merit simply because it does not fall within any of the profiles identified here. Where relevant, particular consideration needs to be given to any past persecution to which applicants for international protection may have been subjected.<sup>189</sup>

#### **1) *Persons Opposing, or Perceived to Be Opposing, the Government***

The Syrian Government has shown no or very limited tolerance for political dissent even prior to the current conflict.<sup>190</sup> Popular anti-government protests that erupted in March 2011 and the ensuing armed uprising have reportedly been met with staunch repression and violence by government forces.<sup>191</sup> In determining what constitutes political dissent, the government is reported to apply very broad criteria: any criticism, opposition or even insufficient loyalty to the government expressed in any way or form – including peaceful protests, whether organized or spontaneous, as part of a political party or at an individual level, virtual (on the internet)<sup>192</sup> or in the streets<sup>193</sup> – has reportedly resulted in serious repercussions for the individual.<sup>194</sup> Numerous members of political opposition parties,<sup>195</sup> persons who had participated in protests against the government,<sup>196</sup> activists,<sup>197</sup> draft evaders and deserters,<sup>198</sup> professionals (e.g. journalists and citizen

<sup>189</sup> See relevant considerations on the impact of past persecution in paragraph 26 of the following guidelines; UNHCR, *Guidelines on International Protection No. 4: “Internal Flight or Relocation Alternative” Within the Context of Article 1A(2) of the 1951 Convention and/or 1967 Protocol Relating to the Status of Refugees*, 23 July 2003, HCR/GIP/03/04, <http://www.refworld.org/docid/3f2791a44.html> (hereafter: UNHCR, GIP No. 4: “Internal Flight or Relocation Alternative”, 23 July 2003, <http://www.refworld.org/docid/3f2791a44.html>).

<sup>190</sup> US Department of State, *2016 Country Reports on Human Rights Practices – Syria*, 3 March 2017, <http://www.refworld.org/docid/58ec89bf13.html>, pp. 4, 18, 28-29, 30, 32. See also sources included in: UNHCR, *Relevant Country of Origin Information to Assist with the Application of UNHCR’s Country Guidance on Syria: “Illegal Exit” from Syria and Related Issues for Determining the International Protection Needs of Asylum-Seekers from Syria*, February 2017, <http://www.refworld.org/docid/58da824d4.html> (hereafter: UNHCR, *Relevant Country of Origin Information to Assist with the Application of UNHCR’s Country Guidance on Syria*, February 2017, <http://www.refworld.org/docid/58da824d4.html>), p. 7.

<sup>191</sup> See sources in: UNHCR, *Relevant Country of Origin Information to Assist with the Application of UNHCR’s Country Guidance on Syria*, February 2017, <http://www.refworld.org/docid/58da824d4.html>, p. 7.

<sup>192</sup> “The Assad government monitors online communications, including e-mail and social media, and persecutes internet users engaging in speech it objects to”; Freedom House, *Freedom in the World 2017 – Syria*, 8 June 2017, <http://www.refworld.org/docid/593a522f26.html>. See also, Frontline Defenders, *Syria: Rights Groups Condemn Extrajudicial Execution of Human Rights Defender and Software Engineer Bassel Khartabil*, 2 August 2017, <http://bit.ly/2uomTpl>.

<sup>193</sup> “Freedom of assembly is severely restricted across Syria. Opposition protests in government-held areas are usually met with gunfire, mass arrests, and torture of those detained”; Freedom House, *Freedom in the World 2017 – Syria*, 8 June 2017, <http://www.refworld.org/docid/593a522f26.html>.

<sup>194</sup> See sources in: UNHCR, *Relevant Country of Origin Information to Assist with the Application of UNHCR’s Country Guidance on Syria*, February 2017, <http://www.refworld.org/docid/58da824d4.html>, p. 7.

<sup>195</sup> “(...) in practice, the government maintains a powerful intelligence and security apparatus to monitor and punish opposition movements that could emerge as serious challengers to Assad’s rule”; Freedom House, *Freedom in the World 2017 – Syria*, 8 June 2017, <http://www.refworld.org/docid/593a522f26.html>.

<sup>196</sup> “Activists and international humanitarian organizations stated that government forces continued to conduct security raids in response to antigovernment protests throughout urban areas”; US Department of State, *2016 Country Reports on Human Rights Practices - Syria*, 3 March 2017, <http://www.refworld.org/docid/58ec89bf13.html>, p. 4. See also, Freedom House, *Freedom in the World 2017 – Syria*, 8 June 2017, <http://www.refworld.org/docid/593a522f26.html>.

<sup>197</sup> “Arbitrary arrest raised fears that authorities could arrest internet users at any time for simple online activities perceived to threaten the government’s control, such as posting on a blog, tweeting, commenting on Facebook, sharing a photograph, or uploading a video”; US Department of State, *2016 Country Reports on Human Rights Practices – Syria*, 3 March 2017, <http://www.refworld.org/docid/58ec89bf13.html>, pp. 29-30. “Activists are subjected to various forms of abuse, including arbitrary arrests, abduction and torture inside and outside the security branches and official and unofficial detention centers. (...) Despite the fact that women have not directly participated in military operations and that their participation in the civil movement was limited to civil and relief activities and expressing political opinions, the regime has persistently accused women activists of being terrorists to justify their arbitrary detention and enforced disappearance”; Women’s International League for Peace and Freedom (WILPF), *Violations Against Women in Syria and the Disproportionate Impact of the Conflict on Them*, November 2016, <http://bit.ly/2dweuXf> (hereafter: WILPF, *Violations Against Women in Syria*, November 2016, <http://bit.ly/2dweuXf>), p. 13.

<sup>198</sup> See below “Draft Evaders and Deserters from the Armed Forces” (Section III.A.2) and sources referenced therein.

journalists,<sup>199</sup> aid workers, doctors, academics),<sup>200</sup> and others who might be perceived as holding anti-government views have reportedly been subjected to travel bans,<sup>201</sup> expropriation and destruction of private property,<sup>202</sup> forced displacement,<sup>203</sup> arbitrary arrest and *incommunicado* detention, torture and other forms of ill-treatment, and summary or extra-judicial execution.<sup>204</sup> An individual's real or perceived political opposition is reportedly also frequently attributed to those around him/her, including family members, neighbours and colleagues.<sup>205</sup>

<sup>199</sup> “Freedom of expression is heavily restricted in government-held areas, and journalists or ordinary citizens who criticize the state face censorship, detention, torture, and death”; Freedom House, *Freedom in the World 2017 – Syria*, 8 June 2017, <http://www.refworld.org/docid/593a522f26.html>. “Government forces reportedly detained, arrested, and harassed journalists and other writers for works deemed critical of the state. Harassment included attempts at intimidation, banning such individuals from the country, dismissing journalists from their positions, and ignoring requests for continued accreditation. According to reliable NGO reports, the government routinely arrested journalists who were either associated with or writing in favor of the political opposition or the FSA and instigated attacks against foreign press outlets throughout the country”; US Department of State, *2016 Country Reports on Human Rights Practices – Syria*, 3 March 2017, <http://www.refworld.org/docid/58ec89bf13.html>, p. 29. See also, Open Democracy, *Syria, the Uprising and the Media Scene*, 26 October 2017, <http://bit.ly/2zJgmn3>.

<sup>200</sup> See below “*Certain Professionals*” (Section III.A.7) and sources referenced therein.

<sup>201</sup> “While citizens have the right to travel internationally, the government denied passports and other vital documents **based on the applicant’s political views, association with opposition groups, or ties to geographic areas where the opposition dominated**. (...) Additionally, the government often banned travel by human rights or civil society activists, their families, and affiliates. Many citizens reportedly learned of the ban against their travel only when authorities prevented them from departing the country. The government reportedly applied travel bans without explanation or explicit duration, including in cases when individuals sought to travel for health reasons. The government comprehensively banned international travel of opposition members, often targeting any such individual who attempted to travel. Local media and human rights groups repeatedly stated that opposition activists and their families hesitated to leave the country, fearing attacks at airports and border crossings” (emphasis added); US Department of State, *2016 Country Reports on Human Rights Practices – Syria*, 3 March 2017, <http://www.refworld.org/docid/58ec89bf13.html>, p. 36. See also, WILPF, *Violations Against Women in Syria*, November 2016, <http://bit.ly/2dweuXf>, p. 14.

<sup>202</sup> “(...) The Government has reportedly implemented legislative measures to dispossess dissenting populations of their property, and has raised legal and administrative measures to impede displaced persons from registering or retaining private property. Recently issued presidential decrees require in-person registration and contestation of land titles countrywide. Requirements to register land titles or contest ownership in person would render it virtually impossible for many internally displaced persons and refugees to protect their properties. The use of such legal and administrative tools may also be intended to pressure certain populations to reconcile, so as not to lose their property”; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 8 August 2017, <http://www.refworld.org/docid/59b24fe14.html>, para. 34. “Government forces also **pillaged and destroyed property**, including homes, farms, and businesses of defectors and opposition figures. (...) The government reportedly sought out members of domestic human rights organizations for **property seizures, harassment, detention, arrest, torture, and execution**” (emphasis added); US Department of State, *2016 Country Reports on Human Rights Practices – Syria*, 3 March 2017, <http://www.refworld.org/docid/58ec89bf13.html>, pp. 28, 43. “The Syrian Ministry of Finance has ordered the expropriation of houses and properties of many activists and their relatives under the pretext that they support terrorism”; WILPF, *Violations Against Women in Syria*, November 2016, <http://bit.ly/2dweuXf>, p. 13. See also, DW, *Syrians Struggle to Reclaim Stolen Homes*, 2 May 2017, <http://bit.ly/2q21nCo>; Syria Untold, *The Syrian Business Elite: Patronage Networks and War Economy*, 24 September 2016, <http://bit.ly/2q2wxKq>.

<sup>203</sup> See below pp. 38-39.

<sup>204</sup> “Since the beginning of the uprising in Syria, security forces have arbitrarily arrested, unlawfully detained, forcibly disappeared, ill-treated, tortured, and killed thousands of people, using an extensive network of detention facilities throughout the country. Those arrested include **peaceful protesters, human rights defenders, and activists involved in organizing, filming, and reporting on protests, as well as journalists, aid providers, lawyers, and doctors**” (emphasis added); HRW, *Syria – Lasting Peace Will Require that Thousands Unlawfully Detained Are Released and Obtain Justice*, 14 March 2017, <http://bit.ly/2piDPdM>. “(...) rape was widespread, and government and progovernment forces used rape to terrorize and punish women, men, and children **perceived as associated with the opposition**” (emphasis added); US Department of State, *2016 Country Reports on Human Rights Practices – Syria*, 3 March 2017, <http://www.refworld.org/docid/58ec89bf13.html>, p. 44. “Some victims were targeted for arrest because they were **activists or otherwise perceived to be not sufficiently supportive of the Government**. In other cases victims of torture were, or were perceived to be, members of armed groups or related to members of such groups” (emphasis added); UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 11 August 2016, <http://www.refworld.org/docid/57d015fd4.html>, para. 95. See additional sources in: UNHCR, *Relevant Country of Origin Information to Assist with the Application of UNHCR’s Country Guidance on Syria*, February 2017, <http://www.refworld.org/docid/58da824d4.html>, pp. 18-19.

<sup>205</sup> As such, family members (examples relate to spouses, children, siblings, parents and also members of the extended family) of, for example, (real or perceived) protestors, activists, members of opposition parties or anti-government armed groups, defectors and draft evaders, have reportedly been targeted for arbitrary arrest, *incommunicado* detention, torture and other forms of ill-treatment, including sexual violence, as well as summary execution. In cases in which a wanted government opponent, or a person perceived to be a government opponent, cannot be found, security forces reportedly arrest and abuse members of his/her family, as a form of retribution for the wanted person’s opposition activities or defection, to obtain information about his/her whereabouts, and/or as a means to force the wanted person to turn him/herself in, or to confess to the charges brought against him/her. Female relatives have reportedly been arrested and used as “bargaining chips” in prisoner exchanges with anti-government armed groups; UNHCR, *Relevant Country of Origin Information to Assist with the*

Since 2011, numerous reports speak of the widespread and systematic arbitrary arrest and enforced disappearance of men and teenage boys, particularly, but not exclusively, Sunni Arabs from areas currently or previously under control of anti-government armed groups. According to reports, they are targeted on account of their perceived participation in hostilities against the government, their perceived aid to armed groups or, more generally, their perceived anti-government views.<sup>206</sup> Often, arrests are reported to be based merely on the fact that a man or boy originates from an area associated with the opposition.<sup>207</sup> Widespread arrests reportedly occur mainly at checkpoints, during raids in recaptured areas and during evacuations, but also in public places (including hospitals, government offices, airports and border crossings).<sup>208</sup> The fact that a man may have also evaded draft or deserted from the army would likely add to the perception of anti-government opinion and compound the risk of arrest, forced conscription, and serious ill-treatment.<sup>209</sup> Syrian males of fighting age, including teenage boys, are therefore reportedly avoiding passing through government checkpoints for fear that they will be abused, killed, or disappeared.<sup>210</sup>

Reports indicate that the government generally continues to consider civilians living in or originating from locations that have seen popular protests and/or have a presence of, or have (even temporarily) fallen under control of anti-government armed groups, to be associated with the armed opposition. According to these reports, this is part of a broader policy where civilians are targeted by association, on account of being present in or originating from an area considered to be opposing the government and/or supporting the anti-government armed groups.<sup>211</sup> Civilians in these locations are reportedly subjected to a variety of punitive measures, including arrests; torture; sexual violence, including the use of rape as a weapon of war;<sup>212</sup> extra-

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*Application of UNHCR's Country Guidance on Syria*, February 2017, <http://www.refworld.org/docid/58da824d4.html>, pp. 11-12. See also below “Women and Girls with Certain Profiles or in Specific Circumstances” (Section III.A.10) and “Children with Certain Profiles or in Specific Circumstances” (Section III.A.11).

<sup>206</sup> US Department of State, *2016 Country Reports on Human Rights Practices – Syria*, 3 March 2017, <http://www.refworld.org/docid/58ec89bf13.html>, p. 15; UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 11 August 2016, A/HRC/33/55, <http://www.refworld.org/docid/57d015fd4.html>, para. 52; UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 13 August 2015, A/HRC/30/48, <http://www.refworld.org/docid/55e955344.html>, paras 41-44, 72. See also sources in: UNHCR, *Relevant Country of Origin Information to Assist with the Application of UNHCR's Country Guidance on Syria*, February 2017, <http://www.refworld.org/docid/58da824d4.html>, p. 18.

<sup>207</sup> See sources included in: UNHCR, *Relevant Country of Origin Information to Assist with the Application of UNHCR's Country Guidance on Syria*, February 2017, <http://www.refworld.org/docid/58da824d4.html>, pp. 18-19.

<sup>208</sup> *Ibid.*, p. 18.

<sup>209</sup> In the context of some local ceasefire agreements, the International Independent Commission of Inquiry reported that individuals from such locations and who were wanted by the Government for defecting or deserting were forced to undergo a reconciliation process and pledge loyalty to the government. Following the process, such individuals are reportedly permitted to remain in their home areas, but are forcibly conscripted into government forces; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 8 August 2017, <http://www.refworld.org/docid/59b24fe14.html>, paras 20-21. See also, EUI, “Local Reconciliation Agreements”, June 2017, <http://bit.ly/2jtZa11>, pp. 14-15. See also below footnotes 217-220 and “Draft Evaders and Deserters from the Armed Forces” (Section III.A.2) and sources referenced therein.

<sup>210</sup> “As life is made increasingly impossible [in opposition-held areas], those who are able flee. Left behind are those physically unable to flee, including the elderly, the injured and the disabled. The most impoverished members of the community also stay, unwilling to leave what property they own and without sufficient funds to travel and live with dignity elsewhere. **Men and boys over the age of 13 years also stay, afraid they will be killed, beaten or disappeared at government checkpoints**” (emphasis added); UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 11 August 2016, <http://www.refworld.org/docid/57d015fd4.html>, para. 52. See additional sources included in: UNHCR, *Relevant Country of Origin Information to Assist with the Application of UNHCR's Country Guidance on Syria*, February 2017, <http://www.refworld.org/docid/58da824d4.html>, pp. 7-11.

<sup>211</sup> See sources included in: UNHCR, *Relevant Country of Origin Information to Assist with the Application of UNHCR's Country Guidance on Syria*, February 2017, <http://www.refworld.org/docid/58da824d4.html>, p. 14.

<sup>212</sup> “As the testimony of survivors suggests, rape has served as a weapon to attack Syrian people perceived as pro-opposition by humiliating women and damaging communities, and by punishing and taking revenge on people involved with the opposition.” And further: “Most of the times, rape has clearly been aiming at punishing women for their suspected involvement in the revolution. (...) In the same way, being from an opposition stronghold amounted to a stand against the government and triggered retaliation. Women were raped not as individuals, but as a part of a group”; The London School of Economics and Political Science (LSE), *You Want Freedom? This Is Your Freedom: Rape as a Tactic of the Assad Regime*, March 2017 (hereafter: LSE, *Rape as a Tactic of the Assad Regime*, March 2017, <http://bit.ly/2wIR5LU>), p. 10. “Most of the reported incidents [of sexual violence in Syria] have been perpetrated by members of the Syrian armed forces and its allies, including the Shabiha militia, with attacks aimed at instilling fear and terror in not just the immediate victims of sexual violence but, more importantly, also the wider community connected with the victim.” And further, “This function of sexual violence in Syria demonstrates how rape can be used as an instrument of terror. Most of the reported cases come from regions that have

judicial executions committed by government and pro-government forces during ground incursions, house searches and at checkpoints; as well as extensive artillery shelling and aerial bombardment.<sup>213</sup> In a number of areas held by anti-government armed groups, the government is reported to have laid sieges, thereby systematically depriving civilians of basic necessities such as food and medical assistance. Persons carrying food or other basic supplies into a besieged area, or seeking to flee from a besieged area, are reported to be targeted for harassment, arrest, detention, torture and killing.<sup>214</sup> The government's siege tactics against areas under control of anti-government armed groups are reportedly aimed at punishing civilians in these areas, eroding the armed opposition's popular base and forcing civilians and fighters into submission.<sup>215</sup>

According to reports, government forces have increasingly resorted to the evacuation of civilian populations from besieged areas held by anti-government armed groups, as part of local ceasefire agreements, often following sustained periods of besieging and bombarding such communities.<sup>216</sup> In the context of local ceasefire agreements in Barzeh, Tishreen, Qaboun and the "Four Towns" (Madaya and Zabadani in Rural Damascus Governorate and Fu'ah and Kefraya in Idlib Governorate), the Independent International Commission of Inquiry has documented how pro-government forces required individuals, who turned themselves in to the government, to undergo a reconciliation process and to pledge their loyalty to the government as a requirement for remaining in those areas,<sup>217</sup> while excluding dissenting individuals and fighters<sup>218</sup> from this process and subjecting them to organized evacuations.<sup>219</sup> According to the Independent

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*a strong rebel support base, such as Homs and Aleppo, and are perpetrated during home and community raids, at checkpoints, and in detention*"; Sara Meger, *Rape Loot Pillage: The Political Economy of Sexual Violence in Armed Conflict*, Oxford University Press, 2016, <http://bit.ly/2rQhnsB>, pp. 79-80.

<sup>213</sup> "(...) the government continued attacks described by human rights organizations as indiscriminate against majority Sunni opposition-held neighborhoods in Aleppo throughout the year [2016], a tactic that observers said may have been designed to depopulate those portions of the city of hostile Sunnis rather than solely defeat the insurgent groups fighting there"; US Department of State, *2016 Report on International Religious Freedom – Syria*, 15 August 2017, <http://www.refworld.org/docid/59b7d8393.html>, p. 8. "[Sunni] Villages that slip out of state control are routinely targeted by Syrian and Russian jets, which have hit hospitals, schools, and civilian neighbourhoods in what seems like a deliberate strategy of collective punishment, sometimes using cluster munitions and incendiary bombs"; IRIN, *Trapped: How Northwestern Syria Became a Cage for Hundreds of Thousands of Civilians*, 28 March 2017, <http://bit.ly/2oatCPI>. "The regime has made regular use of sieges and aerial bombardment. These collective-punishment tactics serve dual purposes, analysts say: They raise the costs of resistance to civilians so that they will pressure rebels to acquiesce, and they also prevent local committees from offering a viable alternative to the regime's governance"; CFR, *Syria's War – The Descent into Horror*, December 2016, <http://on.cfr.org/2wa5MHS>. See also sources included in: UNHCR, *Relevant Country of Origin Information to Assist with the Application of UNHCR's Country Guidance on Syria*, February 2017, <http://www.refworld.org/docid/58da824d4.html>, pp. 14-15.

<sup>214</sup> See sources included in: UNHCR, *Relevant Country of Origin Information to Assist with the Application of UNHCR's Country Guidance on Syria*, February 2017, <http://www.refworld.org/docid/58da824d4.html>, p. 16.

<sup>215</sup> The Independent International Commission of Inquiry and others described sieges as part of the government's military strategy; see sources included in: UNHCR, *Relevant Country of Origin Information to Assist with the Application of UNHCR's Country Guidance on Syria*, February 2017, <http://www.refworld.org/docid/58da824d4.html>, pp. 16-17.

<sup>216</sup> UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 8 August 2017, <http://www.refworld.org/docid/59b24fe14.html>, paras 18-35, Annex III paras 1, 3-6; Chatham House, *How the Syrian Regime Is Using the Mask of 'Reconciliation' to Destroy Opposition Institutions*, June 2017, <http://bit.ly/2uoBFYx>; EUI, "Local Reconciliation Agreements", June 2017, <http://bit.ly/2jtZa1I>, p. 5; International Crisis Group, *What's at Stake in the Syrian Peace Talks in Astana?*, 24 January 2017, <http://bit.ly/2jOp6kF>. See also above "Violations and Abuses of Human Rights Law and Violations of International Humanitarian Law – Government Forces" (Section II.C.1) and sources referenced therein.

<sup>217</sup> "Legislative Decree No. 15 of July 2016 serves as the basis for reconciliation, and includes amnesty for all individuals who turn themselves in and lay down their weapons, including fugitives. These individuals have generally included fighters and civilians wanted for defecting or deserting"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 8 August 2017, <http://www.refworld.org/docid/59b24fe14.html>, para. 20; Chatham House, *How the Syrian Regime Is Using the Mask of 'Reconciliation' to Destroy Opposition Institutions*, June 2017, <http://bit.ly/2uoBFYx>.

<sup>218</sup> Persons of specific profiles were reportedly excluded from the reconciliation process in the different locations, including healthcare personnel on account of their medical work, local council members, relief workers, activists and family members of fighters, as well as persons sympathizing with opposition groups; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 8 August 2017, <http://www.refworld.org/docid/59b24fe14.html>, para. 22. See also, Chatham House, *How the Syrian Regime Is Using the Mask of 'Reconciliation' to Destroy Opposition Institutions*, June 2017, <http://bit.ly/2uoBFYx>; EUI, "Local Reconciliation Agreements", June 2017, <http://bit.ly/2jtZa1I>, p. 11. See also below "Certain Professionals – Doctors and other Health Professionals" (Section III.A.7) and sources referenced therein.

<sup>219</sup> "In effect, the reconciliation process allowed government forces to categorize populations on the basis of allegiance, by filtering fighting-age males, generally aged 18 to 45 years, into two categories: armed group members and wanted individuals who cannot stay in the locality and risk detention if they do, and those who agree to pledge loyalty to the Government. The latter group are permitted to stay but are forcibly conscripted into either local units under the umbrella of the National Defence Forces or into a paramilitary force, or sent to

International Commission of Inquiry, such evacuations are strategically used by the government to force population transfers based on political loyalties and to confine (perceived) supporters of the opposition to a single area in the country's north-east. The Commission notes that in some instances, these evacuations amount to the forced displacement of civilians.<sup>220</sup> In areas in which the government takes back control from anti-government armed groups, it reportedly made widespread arrests, especially of men and boys over the age of 12, on account of their perceived sympathy or support for these groups.<sup>221</sup>

UNHCR considers that persons opposing, or perceived to be opposing, the government, including civilians originating from, or residing in, areas perceived to be opposing the government, **are likely to be in need of international refugee protection** on the basis of their political opinion or imputed political opinion, and/or other relevant grounds, depending on the individual circumstances of the case.

## 2) Draft Evaders and Deserters from the Armed Forces

In Syria, draft evasion<sup>222</sup> is a criminal offence.<sup>223</sup> Independent observers note that draft evasion is likely considered by the government as a political, anti-government act,<sup>224</sup> which may lead to punishment of the

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*front lines as part of the Syrian army after a six-month notice period.*" And further, "(...) *the reconciliation process has induced the displacement of both fighters and groups of dissident civilians in the form of organized evacuations*"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 8 August 2017, <http://www.refworld.org/docid/59b24fe14.html>, paras 21, 22. See also, EUI, "Local Reconciliation Agreements", June 2017, <http://bit.ly/2jtZa1I>, pp. 11-12.

<sup>220</sup> "By evacuating to the border of Idlib Governorate civilians, including doctors, relief workers, activists, civil society staff and local council members, who are, or who are perceived to be, sympathetic to opposition factions, government forces are able to serve a calculated warring strategy: population transfers in this context remove both opposition actors and their supporters to a single area in the northwest area of the Syrian Arab Republic. Only those civilians who are offered the chance to pledge loyalty to the Government in the form of reconciliation may remain in their homes. Overall, the pattern of evacuations occurring throughout the country appears intended to engineer changes to the political demographics of previously besieged enclaves, by redrawing and consolidating bases of political support." And further, "Therefore, the ordering of dissenting populations to evacuate Madaya and Barza, the general evacuation of Fu'ah and Kafraya, and the ordering of the entire civilian populations to evacuate Tishreen and Qabun constitute the war crime of forced displacement"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 8 August 2017, <http://www.refworld.org/docid/59b24fe14.html>, paras 31, 35. "These [reconciliation] deals result in forced displacement, mainly of military and civilian leaders of the locality, associated with the revolution against the regime." And further: "(...) *the implementation of local agreements has resulted in forced displacements, which have primarily targeted the local military and civilian leaders associated with the revolution against the regime: fighters and their families, civilian leaders who were active in humanitarian organisations, civil society organisations and local councils*"; EUI, "Local Reconciliation Agreements", June 2017, <http://bit.ly/2jtZa1I>, pp. 1, 10. See also above "Violations and Abuses of Human Rights Law and Violations of International Humanitarian Law – Government Forces" (Section II.C.1) and sources referenced therein.

<sup>221</sup> For example, during the retaking of eastern Aleppo city by government forces at the end of 2016, the Independent International Commission of Inquiry documented executions of persons perceived as supporting anti-government armed groups, including their civilian relatives and family members; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 2 February 2017, <http://www.refworld.org/docid/58b827094.html>, para. 91; OHCHR, *Statement by the Independent International Commission of Inquiry on the Syrian Arab Republic on the Situation of Civilians Affected by the Capture of Aleppo*, 14 December 2016, <http://bit.ly/2gBfhUo>. See also, UNHCR, *Relevant Country of Origin Information to Assist with the Application of UNHCR's Country Guidance on Syria*, February 2017, <http://www.refworld.org/docid/58da824d4.html>, p. 18.

<sup>222</sup> "Draft evasion occurs when a person does not register for, or does not respond to, a call up or recruitment for compulsory military service. The evasive action may be as a result of the evader fleeing abroad, or may involve, inter alia, returning call up papers to the military authorities. In the latter case, the person may sometimes be described as a draft resister rather than a draft evader (...). Draft evasion may also be pre-emptive in the sense that action may be taken in anticipation of the actual demand to register or report for duty. (...) Draft evasion may be for reasons of conscience or for other reasons"; UNHCR, *Guidelines on International Protection No. 10: Claims to Refugee Status Related to Military Service Within the Context of Article 1A (2) of the 1951 Convention and/or the 1967 Protocol Relating to the Status of Refugees*, 3 December 2013, HCR/GIP/13/10/Corr. 1, <http://www.refworld.org/docid/529ee33b4.html> (hereafter: UNHCR, *Guidelines on International Protection No. 10*, 3 December 2013, <http://www.refworld.org/docid/529ee33b4.html>), pp. 1-2.

<sup>223</sup> *Law No. 61 of 1950, as amended (Military Penal Code) [Syrian Arab Republic]*, 16 February 2017, <http://www.refworld.org/docid/58a5e1b34.html>.

<sup>224</sup> "My assessment would be that the government applies sanctions against individuals that fail to comply with their military service obligation based upon two main factors, which could be simultaneous or consecutive depending upon the circumstances. The government primarily appears to treat draft evasion as a criminal matter subject to sanctions by law. In reality, the government displays limited interest in applying the applicable legal sanctions on draft-dodgers given its continued need for manpower. Instead, its preference for dealing with these individuals appears to be rapid conscription into their mandated term of military service rather than long-term imprisonment – even for individuals that reside in area previously controlled by opposition groups. Thus, most draft-dodgers would likely not enter the court system for an extended period of time. The terms of this conscription nonetheless remain harsh with reports of near-imprisonment on military bases and minimal training prior to frontline deployment. The government also holds the **simultaneous view of draft evasion as**

person who attempted to evade the draft beyond the relevant sanctions for the criminal offence of draft evasion,<sup>225</sup> including harsher treatment during arrest, interrogation, detention and, once deployed, during military service.<sup>226</sup> In practice, rather than facing criminal sanctions (imprisonment) under the Military Penal Code, draft evaders are reportedly deployed to a frontline position within days or weeks of their arrest, often with only minimal training.<sup>227</sup>

As a result of high rates of draft evasion, desertions, and casualties, the army and security agencies have reportedly intensified their efforts to conscript Syrian men and to mobilize reservists.<sup>228</sup> In addition, efforts have reportedly been stepped up to identify and arrest draft evaders, including at mobile and fixed checkpoints, during raids, house searches and searches on public transportation.<sup>229</sup> In areas retaken by government forces from anti-government armed groups, men of mandatory military service or reserve duty

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*a political or 'anti-government' activity subject to sanctions - both official and unofficial. Draft-dodgers can face torture and other forms of ill-treatment while being held in detention as well as ill-treatment by military officers and other officials during their mandatory military service. The sanctions can also include state harassment and other potential repercussions for their family members. The government likely intends to impose further long-term consequences on draft-dodgers in the future if pro-government forces manage to reestablish countrywide stability – including arrest, torture, forced disappearances, limited access to public services, and harassment or enhanced monitoring by state intelligence services”* (emphasis added); E-mail communication with Christopher Kozak, Syria Research Analyst at the ISW, 6 October 2017 (e-mail on file with UNHCR). “*Syrian officials frequently view draft dodgers and those unwilling to serve in the military as a sign of opposition and subversion”*; E-mail communication with Joshua Landis, Director Center for Middle East Studies and Associate Professor, University of Oklahoma, University of Oklahoma, 22 September 2017 (e-mail on file with UNHCR). “*(...) based on interviews I've conducted and testimonies I've reviewed, I conclude that draft evasion is considered anti-government activity by the government. This is particularly the case for men who have traveled abroad without the permission of the government (i.e., have not left through legal means). Men who have left legally would have gone through a formal border and obtained a military postponement because they have a verified excuse such as study or work that takes them abroad”* (emphasis added); E-mail communication with Rochelle Davis, Associate Professor of Cultural Anthropology, Georgetown University, 22 September 2017 (e-mail on file with UNHCR). “*(...) based on my understanding of the conditions in Syria and in particular practices around military service, I would consider it reasonable to say that draft evasion is considered an “anti-government” act by the authorities that is punishable in a number of ways, including through arbitrary arrest, incommunicado detention, torture and ill-treatment”* (emphasis added); E-mail communication with Lama Fakhri, Deputy Director, Middle East and North Africa Division, Beirut Director, HRW, 22 May 2017 (e-mail on file with UNHCR). See also, UNHCR, *Relevant Country of Origin Information to Assist with the Application of UNHCR's Country Guidance on Syria*, February 2017, <http://www.refworld.org/docid/58da824d4.html>, p. 20.

<sup>225</sup> “*The Convention ground [here: political or imputed political opinion] needs only to be a contributing factor to the well-founded fear of persecution; it need not be shown to be the dominant or even the sole cause”* (emphasis added); UNHCR, *Guidelines on International Protection No. 10*, 3 December 2013, <http://www.refworld.org/docid/529ee33b4.html>, para. 47.

<sup>226</sup> The government’s view that draft evasion constitutes a political or anti-government activity “*can be reflected in particularly harsh treatment of draft-dodgers by military officers and other officials during their detention or mandatory military service as well as state harassment and other potential repercussions for their family members.*” And further: “*I’ve heard reports that conscripted draft-dodgers can face perceptions of treasonous and anti-government behavior from military officers and other officials”*; E-mail communication with Christopher Kozak, Syria Research Analyst at the ISW, 6 October 2017 (e-mail on file with UNHCR). “*The intent or motive of the persecutor can be a relevant factor in establishing the causal link between the fear of persecution and a Convention ground but it is not decisive, not least because it is often difficult to establish”*; UNHCR, *Guidelines on International Protection No. 10*, 3 December 2013, <http://www.refworld.org/docid/529ee33b4.html>, para. 48.

<sup>227</sup> The New Arab, *Damascus Life Isn't 'Business-as-Usual'*, Whatever Assad Says, 14 March 2017, <http://bit.ly/2mow7Zp>; US Department of State, *2016 Country Reports on Human Rights Practices – Syria*, 3 March 2017, <http://www.refworld.org/docid/58ec89bf13.html>, p. 21. See also sources included in: UNHCR, *Relevant Country of Origin Information to Assist with the Application of UNHCR's Country Guidance on Syria*, February 2017, <http://www.refworld.org/docid/58da824d4.html>, pp. 20, 22.

<sup>228</sup> “*Arbitrary arrests made in September were notable for Syrian regime forces’ almost daily raiding and arrest campaigns that involved civilians in the main neighborhoods, city centers and residential areas that are under the regime’s control. The arrests made focused on the age group 18-42 years old for the purpose of conscription, while Syrian regime forces targeted also activists’ and armed opposition fighters’ families who live in their areas of control. Also, a number of areas in Damascus suburbs governorate saw raids and arrest operations for conscription purposes”* (emphasis added); SNHR, *No less than 557 Cases of Arbitrary Arrest in September 2017*, 4 October 2017, <http://bit.ly/2yuuW5j>, p. 4. See also, Danish Immigration Service (DIS), *Syria: Recruitment Practices in Government-controlled Areas and in Areas under Opposition Control, Involvement of Public Servants and Civilians in the Armed Conflict and Issues Related to Exiting Syria*, August 2017, <http://www.refworld.org/docid/59aea2694.html> (hereafter: DIS, *Syria: Recruitment Practices*, August 2017, <http://www.refworld.org/docid/59aea2694.html>), pp. 8, 10-11; ISW, *Iran’s Assad Regime*, March 2017, <http://bit.ly/2rqxbSY>, p. 1. See also The Telegraph, *Desperate Assad Conscripting 50-year-Olds as Beleaguered Syrian Regime Forces Halved by Deaths, Defections and Draft-Dodging*, 13 January 2017, <http://bit.ly/2pFareg> and sources included in: UNHCR, *Relevant Country of Origin Information to Assist with the Application of UNHCR's Country Guidance on Syria*, February 2017, <http://www.refworld.org/docid/58da824d4.html>, p. 21, footnote 117.

<sup>229</sup> See sources included in: UNHCR, *Relevant Country of Origin Information to Assist with the Application of UNHCR's Country Guidance on Syria*, February 2017, <http://www.refworld.org/docid/58da824d4.html>, footnote 119.



age have reportedly been arrested in large numbers for the purpose of conscripting them into the army.<sup>230</sup> Draft evaders in detention face a risk of torture and other forms of ill-treatment, a practice reported to be endemic in Syria.<sup>231</sup>

In addition to the act of draft evasion itself being perceived as a political act, other elements of a draft evader's profile may further contribute to that person being perceived as not sufficiently loyal to the government and/or supporting the (political or armed) opposition,<sup>232</sup> which would put the draft evader at further risk of ill-treatment over and beyond punishment under the applicable legal framework for draft evasion.<sup>233</sup>

An increasing level of arbitrariness is reportedly applied to rules and regulations regarding military service, particularly in relation to deferral and exemption procedures.<sup>234</sup> Increasingly, the government has reportedly also called up previously "protected populations" such as university students, civil servants and prisoners for compulsory military service.<sup>235</sup> Many of those serving their compulsory military service have reportedly seen their terms extended beyond the 18 months prescribed by law. According to reports, men who are discharged following the end of their mandatory service are often automatically enlisted into the army reserves.<sup>236</sup> Many men of conscription or reservist age are reported to avoid movements, have gone into hiding, relocate to areas held by anti-government armed groups (including under local reconciliation

<sup>230</sup> DIS, *Syria: Recruitment Practices*, August 2017, <http://www.refworld.org/docid/59aea2694.html>, p. 8; Reuters, *Former Syrian Rebels Flee, Hide from Army Conscription*, 10 August 2017, <https://reut.rs/2uIvA8P>; The Daily Beast, *Syria's Cruel 'Reconciliations'*, 21 April 2017, <http://thebea.st/2qRR8iU>; The New Arab, *Damascus Life Isn't 'Business-as-Usual', Whatever Assad Says*, 14 March 2017, <http://bit.ly/2mow7Zp>; US Department of State, *2016 Country Reports on Human Rights Practices – Syria*, 3 March 2017, <http://www.refworld.org/docid/58ec89bf13.html>, p. 15; The Telegraph, *Civilians Fleeing Rebel-Held East Aleppo 'Detained and Conscripted' by Syrian Forces*, 5 December 2016, <http://bit.ly/2hidB5U>. See also sources included in: UNHCR, *Relevant Country of Origin Information to Assist with the Application of UNHCR's Country Guidance on Syria*, February 2017, <http://www.refworld.org/docid/58da824d4.html>, pp. 21-22.

<sup>231</sup> US Department of State, *2016 Country Reports on Human Rights Practices – Syria*, 3 March 2017, <http://www.refworld.org/docid/58ec89bf13.html>, p. 6. See also sources included in: UNHCR, *Relevant Country of Origin Information to Assist with the Application of UNHCR's Country Guidance on Syria*, February 2017, <http://www.refworld.org/docid/58da824d4.html>, p. 8 (footnote 44) and pp. 20-21.

<sup>232</sup> See "Persons Opposing, or Perceived to Be Opposing, the Government" (Section III.A.1) and sources referenced therein.

<sup>233</sup> "Based on available country of origin information the mere suspicion of a person holding anti-government views, or being affiliated with a person holding such views, would be sufficient to establish a well-founded fear of persecution"; UNHCR, *Relevant Country of Origin Information to Assist with the Application of UNHCR's Country Guidance on Syria*, February 2017, <http://www.refworld.org/docid/58da824d4.html>, p. 13 and sources quoted therein. "The sources mentioned a number of possible consequences if an evader is caught by the authorities: immediate conscription upon arrest; deployment to the frontline, investigation and torture, and/or imprisonment. Which one or a combination of these consequences the person may risk being subjected to, may depend on the profile of the person, his connections and the area. **If the authorities suspect the person to be in connection and cooperate with the opposition groups**, the person would be subjected to investigation and ill-treatment including torture. Nadim Houry (HRW) mentioned that while an Alawite from the coastal area might just get a 'slap on the wrist', **a working class Sunni from an area known to be supportive of the opposition might be investigated and be subjected to ill treatment, accused of having supported the opposition;**" Emphasis added; DIS, *Syria: Military Service, Mandatory Self-Defence Duty and Recruitment to the YPG*, 26 February 2015, <http://www.refworld.org/docid/54fd6c884.html>, p. 18.

<sup>234</sup> According to reports, it has increasingly become difficult to obtain a valid deferral or exemption from military service; DIS, *Syria: Recruitment Practices*, August 2017, <http://www.refworld.org/docid/59aea2694.html>, pp. 8-9; EUI, "Local Reconciliation Agreements", June 2017, <http://bit.ly/2jtZa1I>, p. 14; Syria Direct, *Damascus Student to Pay 8 Months of Salary in Bribe to Avoid Military Service*, 20 April 2017, <http://bit.ly/2qfHyof>. See also additional sources in: UNHCR, *Relevant Country of Origin Information to Assist with the Application of UNHCR's Country Guidance on Syria*, February 2017, <http://www.refworld.org/docid/58da824d4.html>, footnotes 128, 129.

<sup>235</sup> SNHR, *The Syrian Regime Uses Detainees as Recruits*, 29 April 2017, <http://bit.ly/2wBqK30>. See also sources included in: UNHCR, *Relevant Country of Origin Information to Assist with the Application of UNHCR's Country Guidance on Syria*, February 2017, <http://www.refworld.org/docid/58da824d4.html>, pp. 23-24.

<sup>236</sup> Syria Direct, *Syrian Arab Army Soldier Says He Pays Bribes for Furlough: 'I Have no Other Choice'*, 19 July 2017, <http://bit.ly/2tfihgm>. See additional sources quoted in: UNHCR, *Relevant Country of Origin Information to Assist with the Application of UNHCR's Country Guidance on Syria*, February 2017, <http://www.refworld.org/docid/58da824d4.html>, p. 23.

agreements), or have fled the country for fear of harassment at checkpoints and forced conscription.<sup>237</sup> Men returning from abroad are reported to be consistently checked for their military service records.<sup>238</sup>

Desertions from the armed forces have reportedly been most prevalent in the early years of the conflict, but have since become a rare occurrence.<sup>239</sup> Desertion is punishable under the 1950 Military Penal Code, as amended, and entails, depending on the circumstances, imprisonment or the death penalty.<sup>240</sup> These legal provisions notwithstanding, according to reports, individuals who refused orders to shoot, deserted or were suspected of planning their desertion have commonly not been formally charged with an offence. Rather, they have reportedly either been subjected to immediate execution at the time of desertion or when caught, or have been subjected to arbitrary arrest, *incommunicado* detention, torture and extra-judicial execution;<sup>241</sup> or have been ordered to return to their military unit following an investigation.<sup>242</sup> Reports document that government forces have singled out family members of deserters, e.g. during arrest campaigns in areas considered to be sympathizing with the opposition.<sup>243</sup> The properties of deserters have reportedly deliberately been targeted for pillaging, burning and destruction.<sup>244</sup>

Since 2011, the Syrian president has issued a series of amnesty decrees for members of anti-government armed groups, draft evaders and deserters, which exempted them from punishment, if they turned themselves in within a specified period of time.<sup>245</sup> Legislative Decree 15/2016 of July 2016, which serves as the basis for reconciliation,<sup>246</sup> includes an amnesty for all individuals who turn themselves in and lay

<sup>237</sup> “Reasons for leaving [Al-Wa’er neighbourhood of Homs city in April 2017], particularly for men aged 18-45 years old, included avoiding being drafted into the Syrian army”; UNHCR, *Syria: Flash Update on Recent Events*, 26 April 2017, <http://bit.ly/2ynFLGy>, p. 2. See also, Reuters, *Former Syrian Rebels Flee, Hide from Army Conscription*, 10 August 2017, <https://reut.rs/2u1vA8P>; Syria Deeply, *Now under Assad Control, Damascus Suburb Looks for a Path Forward*, 19 July 2017, <https://upi.com/6608049t>; EUI, “Local Reconciliation Agreements”, June 2017, <http://bit.ly/2jtZa1l>, pp. 14-15; and sources included in: UNHCR, *Relevant Country of Origin Information to Assist with the Application of UNHCR's Country Guidance on Syria*, February 2017, <http://www.refworld.org/docid/58da824d4.html>, p. 22.

<sup>238</sup> UNHCR, *Relevant Country of Origin Information to Assist with the Application of UNHCR's Country Guidance on Syria*, February 2017, <http://www.refworld.org/docid/58da824d4.html>, pp. 4-5, 25.

<sup>239</sup> In mid-2014, it was estimated that between 20,000 and 100,000 military personnel had deserted the Syrian armed forces since 2011 (between 15 and 50 per cent of the original force); Carnegie Europe, *Syria's Military: Last Man Standing?*, 29 July 2014, <http://ceip.org/1tnRRWm>. See also, DIS, *Syria: Recruitment Practices in Government-controlled Areas and in Areas under Opposition Control, Involvement of Public Servants and Civilians in the Armed Conflict and Issues Related to Exiting Syria*, August 2017, 5/2017, <http://www.refworld.org/docid/59aea2694.html>, p. 33; Holger Albrecht and Kevin Koehler (American University Cairo), *Going on the Run: What Drives Military Insubordination in Violent Domestic Conflict?*, 2 March 2016, <http://bit.ly/2yd8tW3>, pp. 1, 8; The Washington Post, *The Syrian Military Has Thousands of Deserters. New Research Tells Us Why They Left*, 17 December 2015, <http://wapo.st/2hg12M7>.

<sup>240</sup> Desertion is sanctioned by imprisonment of between one to five years during peacetime, which can be doubled in times of conflict. Deserters who have additionally fled the country (so-called ‘external desertion’) are subject to treatment under article 101 of the Military Penal Code: 5 to 10 years imprisonment during peacetime and 15 years during times of conflict. Deserters who have additionally fled the country are subject to treatment under Article 101 of the Military Penal Code: 5 to 10 years imprisonment during peace and 15 years during times of conflict. Desertion in the face of the enemy is punishable by life imprisonment. Aggravated cases result in the death penalty; Law No. 61 of 1950, as amended (Military Penal Code) [Syrian Arab Republic], 16 February 2017, <http://www.refworld.org/docid/58a5e1b34.html>, Articles 100-103.

<sup>241</sup> “Desertions from the Syrian army have led to extreme forms of punishment for those who attempted but failed to walk away from their units, including summary executions”; Holger Albrecht and Kevin Koehler (American University Cairo), *Going on the Run: What Drives Military Insubordination in Violent Domestic Conflict?*, 2 March 2016, <http://bit.ly/2yd8tW3>, p. 1. See additional sources in: UNHCR, *Relevant Country of Origin Information to Assist with the Application of UNHCR's Country Guidance on Syria*, February 2017, <http://www.refworld.org/docid/58da824d4.html>, pp. 25-26.

<sup>242</sup> DIS, *Syria: Recruitment Practices*, August 2017, <http://www.refworld.org/docid/59aea2694.html>, p. 14; Syria Deeply, *Analysis: The Fifth Corps and the State of the Syrian Army*, 11 January 2017, <http://bit.ly/2jbxHwQ>. See additional sources in: UNHCR, *Relevant Country of Origin Information to Assist with the Application of UNHCR's Country Guidance on Syria*, February 2017, <http://www.refworld.org/docid/58da824d4.html>, p. 26.

<sup>243</sup> DIS, *Syria: Recruitment Practices*, August 2017, <http://www.refworld.org/docid/59aea2694.html>, pp. 14-15. See also additional sources in: UNHCR, *Relevant Country of Origin Information to Assist with the Application of UNHCR's Country Guidance on Syria*, February 2017, <http://www.refworld.org/docid/58da824d4.html>, p. 26.

<sup>244</sup> US Department of State, *2016 Country Reports on Human Rights Practices – Syria*, 3 March 2017, <http://www.refworld.org/docid/58ec89bf13.html>, p. 28. See also sources in: UNHCR, *Relevant Country of Origin Information to Assist with the Application of UNHCR's Country Guidance on Syria*, February 2017, <http://www.refworld.org/docid/58da824d4.html>, p. 26.

<sup>245</sup> See sources in: UNHCR, *Relevant Country of Origin Information to Assist with the Application of UNHCR's Country Guidance on Syria*, February 2017, <http://www.refworld.org/docid/58da824d4.html>, p. 24.

<sup>246</sup> See above footnote 217.

down their weapons, including fighters and civilians wanted for desertion.<sup>247</sup> Draft evaders and deserters have at times reportedly (re-)entered military service in the regular army or service or joined newly established local security bodies or other pro-government forces following the conclusion of reconciliation agreements.<sup>248</sup> However, men of military age who do not agree to serve would either be forced to evacuate the area, or otherwise risk arrest and ill-treatment at the hands of government forces as their refusal to serve would likely be seen as an expression of an anti-government opinion.<sup>249</sup>

UNHCR considers that persons, who evaded conscription into compulsory or reservist military service or have deserted from the armed forces, **are likely to be in need of international refugee protection** on the basis of their political opinion or imputed political opinion, and/or other relevant grounds, depending on the individual circumstances of the case. Claims from deserters may give rise possible exclusion considerations (see also Section III.D).

In its Guidelines on claims to refugee status related to military service, UNHCR has observed that recognizing the right of individuals to object to military service on the grounds that serving in the army would mean having to engage in activities which constitute violations of international humanitarian, criminal or human rights law, and granting refugee status in such cases, is consistent with the rationale underlying the exclusion clauses in the 1951 Convention.<sup>250</sup>

### 3) *Persons Supporting, or Perceived to Be Supporting, the Government*

Reports indicate that ISIS, Jabhat Fatah Al-Sham and other anti-government armed groups apply broad criteria to determine who among the civilian population is supportive of the government (or, if not actively supporting the government, at least opposes these armed groups).<sup>251</sup> Since the beginning of the conflict, such groups have reportedly targeted individuals for abduction, deprivation of liberty, torture and execution

<sup>247</sup> Legislative Decree 11/2017 extended the General Amnesty Law provided for in Legislative Decree 15/2016 until 30 June 2017; Syrian Law Journal, *Syrian Law – Recent Legislation*, accessed 30 October 2017, <http://bit.ly/2xgW6cc>. No information is available as to the continued validity of the decree at the time of writing.

<sup>248</sup> Men are reportedly given the option to join either the regular military service, newly established local security bodies, or pro-government forces such as the Fifth Corps. According to the EUI, the number of conscriptions following reconciliation agreements remains low. It has been alleged that new conscripts have been sent to fight on frontlines with little experience and support; EUI, “*Local Reconciliation Agreements*”, June 2017, <http://bit.ly/2jtZaII>, pp. 12, 14. See also, Reuters, *Former Syrian Rebels Flee, Hide from Army Conscription*, 10 August 2017, <https://reut.rs/2uIvA8P>; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 8 August 2017, <http://www.refworld.org/docid/59b24fe14.html>, para. 21; DIS, *Syria: Recruitment Practices*, August 2017, <http://www.refworld.org/docid/59aea2694.html>, p. 14. As part of these reconciliation agreements, draft evaders and deserters reportedly often receive a grace period of six months before they have to report for duty; however, men have reportedly been conscripted before the end of the grace period. “*I would note that deserters / defectors often received a grace period from immediate military service – often a few months. The government has nonetheless ultimately reinstated mandatory conscription in areas under local reconciliation deals – including for former opposition fighters, draft evaders, and deserters. In some cases pro-government forces have implemented conscription in violation of the agreed-upon grace period or local service guarantees. The legal obligation to military service (with all of the resultant consequences) is not abrogated by the amnesty decrees – only the consequences of previous failures to meet these obligations*”; E-mail communication with Christopher Kozak, Syria Research Analyst at the ISW, 6 October 2017 (e-mail on file with UNHCR). See also, UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 8 August 2017, <http://www.refworld.org/docid/59b24fe14.html>, para. 21; Syria Direct, *Post-Surrender Regret in Damascus Suburb: ‘Everyone Who Lost Sons and Daughters to this Revolution Will never View Assad as Anything but a Criminal’*, 18 January 2017, <http://bit.ly/2iQzn12>; NPR, *In a Syrian Suburb Cleared of Rebels, a Gradual Return to Everyday Life*, 25 December 2016, <https://n.pr/2gtr3y>.

<sup>249</sup> For those that do not agree to serve their military service or join pro-government forces, “*will feel the heavy hand of persecution, detention, forced recruitment or displacement. Such limited choices explain the successive waves of displacement of men who have been kept out of the so-called reconciliation process, or who reject its terms*”; EUI, “*Local Reconciliation Agreements*”, June 2017, <http://bit.ly/2jtZaII>, p. 14.

<sup>250</sup> For further details, see UNHCR, *Guidelines on International Protection No. 10*, 3 December 2013, <http://www.refworld.org/docid/529ee33b4.html>, paras 21, 22, 26-30.

<sup>251</sup> See below “*Persons Opposing, or Perceived to Be Opposing, Anti-Government Armed Groups in Areas under Their De Facto Control or Influence*” (Section III.A.5) and “*Members of Religious and Minority Ethnic Groups*” (Section III.A.8) and sources referenced therein.

on account of their real or perceived affiliation with or support for the government, including suspected government collaborators,<sup>252</sup> certain professionals,<sup>253</sup> and members of religious minorities.<sup>254</sup>

ISIS, Jabhat Fatah Al-Sham and other anti-government armed groups have reportedly also sought to justify attacks against civilians in government-held neighbourhoods, towns and villages, including those inhabited by religious minority groups, on account of these civilians' perceived support for the government.<sup>255</sup> Throughout the conflict, anti-government armed groups have reportedly employed a variety of violent tactics, including the targeting of civilians in supposedly pro-government locations with mortar and rocket fire, sniper fire, suicide attacks and car bombs, as well as ground attacks accompanied by hostage-taking, extra-judicial executions, and other abuses.<sup>256</sup> As a result of the loss of territory by ISIS, Jabhat Fatah Al-Sham and other anti-government armed groups and their diminished capabilities to launch ground offensives outside their areas of control,<sup>257</sup> fewer such attacks are being reported. However, in areas where these groups retain their military strength to launch attacks into government-held areas, civilians, including

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<sup>252</sup> “Opposition forces reportedly increased their killing of government forces, suspected government supporters, and members of minority communities through large-scale attacks and the use of snipers. (...) The COI also reported in previous years that armed groups, under the banner of the FSA, tortured and executed suspected government agents, members of the shabiha, and collaborators”; US Department of State, *2016 Country Reports on Human Rights Practices – Syria*, 3 March 2017, <http://www.refworld.org/docid/58ec89bf13.html>, pp. 22, 24. See also, Amnesty International, *Abductions, Torture and Summary Killings Under Armed Group Rule in Aleppo and Idleb, Syria*, 5 July 2016, <http://www.refworld.org/docid/577b81f84.html>, pp. 5, 15, 24, 28, 29; UN Security Council, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014) and 2258 (2015)*, 17 June 2016, S/2016/546, <http://www.refworld.org/docid/576b820e4.html>, para. 33. For example, in October 2017, ISIS killed dozens of civilians in the town of Al-Qaryatayn (Homs Governorate), reportedly on account of their alleged affiliation with the Syrian Government. The town had reportedly been seized by ISIS in early October 2017 before it was retaken by government forces on 21 October 2017. According to the SOHR, “ISIS has over a period of 20 days executed at least 116 civilians in reprisal killings, accusing them of collaboration with regime forces”; Newsweek, *In Syrian Christian Town, ISIS Mass-Executed 116 People Before Assad's Army Closed In*, 23 October 2017, <http://bit.ly/2y0gqxr>; The New York Times, *Scores of Bodies Are Found in Syrian Town after ISIS Retreats*, 23 October 2017, <https://nyti.ms/2zx1Q1H>. See also Los Angeles Times, *Why One Shopkeeper Returned to His War-Ravaged Syrian Hometown: 'I Believe in Palmyra'*, 18 June 2017, <http://fw.to/WTCyoEl>; Ara News, *Islamic State Executes 12 Civilians in Palmyra on Charges of Supporting Syrian Regime*, 20 January 2017, <http://bit.ly/2f17zNy>. See also, “Persons Opposing, or Perceived to Be Opposing, ISIS in Areas under Its De Facto Control or Influence” (Section III.A.4) and “Persons Opposing, or Perceived to Be Opposing, Anti-Government Armed Groups in Areas under Their De Facto Control or Influence” (Section III.A.5) and sources referenced therein.

<sup>253</sup> Including, for example, journalists working for pro-government media, businessmen with ties to the government or pro-government forces, or academics working at government universities; Committee to Protect Journalists (CPJ), *Syrian Journalist Survives Targeting by Rebel Group*, 18 May 2016, <https://cpj.org/x/6880>; UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 13 August 2015, A/HRC/30/48, <http://www.refworld.org/docid/55e955344.html>, para. 161. See also “Persons Opposing, or Perceived to Be Opposing, Anti-Government Armed Groups in Areas under Their De Facto Control or Influence” (Section III.A.5) and sources referenced therein.

<sup>254</sup> See below “Members of Religious and Minority Ethnic Groups” (Section III.A.8) and sources referenced therein.

<sup>255</sup> Ibid.

<sup>256</sup> See UNHCR, *International Protection Considerations with Regard to People Fleeing the Syrian Arab Republic, Update IV*, November 2015, <http://www.refworld.org/docid/5641ef894.html>, paras 15, 17.

<sup>257</sup> See above “Conflict and Security Situation” (Section II.A) and sources referenced therein.

members of minority communities such as Alawites,<sup>258</sup> Shi'ites<sup>259</sup> and Druze,<sup>260</sup> reportedly continue to be at risk of being targeted on account of their real or perceived political support for the government.<sup>261</sup> Reports indicate that anti-government armed groups target persons from perceived pro-government communities for hostage-taking, with a view to using them in prisoner exchanges, to obtain ransom or as a form of intimidation or retribution.<sup>262</sup>

<sup>258</sup> “The Alawite population faced attacks by some elements of the armed opposition, including ISIS, JAN, Jund al-Aqsa, and other extremist groups, reportedly because other minority groups believed government policy favored Alawites. Alawite leaders said they continued to fear a sectarian cleansing would follow a fall of the government. For example, in May ISIS claimed responsibility for bomb attacks in Latakia Province that killed approximately 150 people and said it meant to target Alawites”; US Department of State, 2016 Report on International Religious Freedom – Syria, 15 August 2017, <http://www.refworld.org/docid/59b7d8393.html>, p. 11. “While large-scale Alawite and Sunni Muslim clashes do not regularly occur across Syria, violent confrontations have taken place between the two groups in Homs and Hama, largely because Alawites in Homs participated in multiple mass killings of Sunni Muslims in 2011 and early 2012. As a result, sectarian tensions have resulted in long-term discord. For example, in May 2016, Salafi jihadi armed group Ahrar al-Sham killed 19 Alawites – among them civilians and armed militias supporting the Syrian regime, and including six women – in the village of Zara on the border between Hama and Homs provinces. Small-scale clashes between Sunni Muslims and Alawites constantly happen along this border area”; US Commission on International Religious Freedom, USCIRF Annual Report 2017 - Tier 1: USCIRF-recommended Countries of Particular Concern (CPC) - Syria, 26 April 2017, <http://www.refworld.org/docid/59072f4913.html>. See also, HRW, World Report 2017 – Syria, 12 January 2017, <http://www.refworld.org/docid/587b58196.html>.

<sup>259</sup> At the time of writing, Jabhat Fatah Al-Sham and other anti-government armed groups continued to besiege and subject the government-held, predominantly Shi'ite towns of Fu'ah and Kefraya (Idlib Governorate), to periodic violence reportedly for reasons of the population's perceived loyalty to the government: “JAN [Jabhat Al-Nusra] and other rebel groups have treated the villages as hostages targeted for their religious affiliation, their pro-government political orientation, and because of Iran's interest in protecting Shia coreligionists to deter the Syrian government and Iran from subjecting other besieged Sunni enclaves to violence and starvation, according to observers of the conflict. Rebels continued to refer to the villagers in Fu'a and Kafraya as 'rawafid,' a derogatory term used to refer to Shia Muslims”; US Department of State, 2016 Report on International Religious Freedom – Syria, 15 August 2017, <http://www.refworld.org/docid/59b7d8393.html>, pp. 12,13. See also, Los Angeles Times, ‘A Massacre Is Inevitable’: Punishing Siege Drags on for Two Shiite Villages in Syria, 23 September 2016, <http://lat.ms/2vNwGo4>. The previously besieged Shi'ite majority towns of Nubul and Zahra (Aleppo Governorate) were reportedly also targeted by anti-government armed groups for the towns' perceived support for the Government; see The Independent, Syria Civil War: The Untold Story of the Siege of Two Small Shia Villages - And How the World Turned a Blind Eye, 22 February 2016, <http://ind.pn/1RXN0w2>; Los Angeles Times, Al Qaeda Affiliate Besieges Two Syrian Towns, 23 November 2014, <http://lat.ms/2wPFNCz>. See also above “Violations and Abuses of Human Rights and Violations of International Humanitarian Law” (Section II.C) and sources referenced therein.

<sup>260</sup> For example, the Druze town of Hadar (Quneitra Governorate) came reportedly repeatedly under attack from anti-government armed groups for the community's perceived support of the Syrian government: “Over the last six years, the opposition has attempted to woo the residents of Hadar away from the government with promises of protection and security, and when failing, resorting to attacks on the town. In one of the more recent opposition offensives on Quneitra province in September 2016, Hadar came under fierce attack by opposition fighters who while promising to not harm the residents continued to rain rockets on the town, killing several people”; Al-Monitor, Help Comes with Dangerous Strings for Syrian Druze Town, 24 April 2017, <http://bit.ly/2oTz9uZ>. “Islamist rebel factions threatened to attack the Druze minority in Syria's southern Quneitra Governorate, accusing them of supporting the Syrian regime, local sources reported (...). Islamist rebels of the Qadissiyat al-Janoub Coalition vowed in a statement to attack the Druze-populated town of Hadir if the residents refused to support them in their fight against the Syrian army in the Quneitra Governorate” (emphasis added); Ara News, Syrian Islamist Factions Threaten to Attack Druze Minority in Quneitra, 14 September 2016, <http://bit.ly/2wM1y6i>. See also, Syria Comment (Blog), The Druze in the Syrian Conflict, 5 September 2016, <http://bit.ly/2c86cko>.

<sup>261</sup> “Nonstate actors, including a number of groups designated as terrorist organizations by the United States and other governments, such as ISIS and JAN, controlled portions of the country's territory, and continued to be responsible for killings, physical mistreatment, kidnappings, and arrests of members of religious groups they suspected of opposing their rule.” (...) JAN and some allied rebel groups targeted Druze and Shia minorities in the northern part of the country, claiming responsibility for numerous bombings, including suicide attacks, which JAN continued to describe as reactions to the government's ‘massacres of Sunnis’” (emphasis added); US Department of State, 2016 Report on International Religious Freedom – Syria, 15 August 2017, <http://www.refworld.org/docid/59b7d8393.html>, p. 11. See also, Reuters, At least 40 Killed in Damascus Bombing Targeting Shi'ites, 11 March 2017, <http://reut.rs/2nm5hCL>; UN Human Rights Council, Report of the Independent International Commission of Inquiry, 2 February 2017, <http://www.refworld.org/docid/58b827094.html>, paras 69-74; Amnesty International, Syria: Armed Opposition Groups Committing War Crimes in Aleppo City, 13 May 2016, <http://www.refworld.org/docid/57358dc54.html>.

<sup>262</sup> “As the conflict has dragged on and a war economy has taken hold, instances of hostage-taking have risen. Armed groups, including those designated as terrorist groups, have taken hostages in order to effect prisoner exchanges, or for ransom. (...) In March 2015, armed groups, including Ahrar al-Sham, attacked Idlib city, taking dozens hostage. Ahrar al-Sham released the hostages in two batches in January and February 2016, following the release of individuals held by pro-Government armed groups from Foua'a and Kafria”; UN Human Rights Council, Report of the Independent International Commission of Inquiry, 11 August 2016, <http://www.refworld.org/docid/57d015fd4.html>, paras 87, 88. See also, DW, Mass Evacuation in Syria Begins with Prisoner Exchange, 12 April 2017, <http://bit.ly/2hKH0rg>; US Department of State, 2016 Country Reports on Human Rights Practices – Syria, 3 March 2017, <http://www.refworld.org/docid/58ec89bf13.html>, p. 24; Reuters, Syrian Government, Rebels Swap more than 100 Prisoners in Hama, 7 February 2017, <http://reut.rs/2jZ7kd4>.

UNHCR considers that persons supporting, or perceived to be supporting, the government and who originate from areas under control of, or areas within reach of, ISIS, Jabhat Fatah Al-Sham and other anti-government armed groups, **are likely to be in need of international refugee protection** on the basis of their political opinion or imputed political opinion, and/or other relevant grounds, depending on the individual circumstances of the case.

UNHCR considers that persons supporting, or perceived to be supporting, the government and who originate from areas other than the above-referenced ones, **may be in need of international refugee protection** on the basis of their political opinion or imputed political opinion, and/or other relevant grounds, depending on the individual circumstances of the case.

It should be noted that, since perceptions of political allegiance are frequently based on the person's religion and/or ethnicity, (imputed) political opinion, religion and ethnicity may be inextricably linked elements to be considered when assessing a claim for international refugee protection. For persons perceived to be supporting the government on account of their religious or ethnic identity, see also below *Members of Religious or Ethnic Minority Groups* (Section III.A.8).

#### 4) *Persons Opposing, or Perceived to Be Opposing, ISIS in Areas under Its De Facto Control or Influence*

ISIS is reported to systematically target civilians, including children, who are opposing, or perceived to be opposing, ISIS or its ideology or rule,<sup>263</sup> for severe punishment, including abduction, torture, cruel, inhuman and degrading punishment, as well as execution.<sup>264</sup> Reports indicate that the group uses broad criteria to determine “opposition” or “disloyalty”, and as such has reportedly targeted a wide range of profiles and behaviours, including those (perceived to be) spying and/or collaborating with government forces, the SDF/YPG, anti-government armed groups or the international anti-ISIS coalition;<sup>265</sup> those perceived to violate its strict religious rules;<sup>266</sup> tribal leaders and members of anti-ISIS tribes;<sup>267</sup> as well as professionals such as journalists and other media workers,<sup>268</sup> academics and teachers, doctors and other health

<sup>263</sup> “Those who oppose IS rule must either refrain from expressing their views openly or flee to other areas, as dissent is severely punished”; Freedom House, *Freedom in the World 2017 – Syria*, 8 June 2017, <http://www.refworld.org/docid/593a522f26.html>. See also, US Department of State, *2016 Country Reports on Human Rights Practices – Syria*, 3 March 2017, <http://www.refworld.org/docid/58ec89bf13.html>, p. 34; SNHR, *ISIL's Torture and Detention Centers 'The Black Bottom'*, 25 April 2016, <http://bit.ly/2mYp9zb>, p. 1.

<sup>264</sup> Freedom House, *Freedom in the World 2017 – Syria*, 8 June 2017, <http://www.refworld.org/docid/593a522f26.html>; US Department of State, *2016 Country Reports on Human Rights Practices – Syria*, 3 March 2017, <http://www.refworld.org/docid/58ec89bf13.html>, p. 24; Amnesty International, *2016/17 – Syria*, 22 February 2017, <http://www.refworld.org/docid/58b033aba.html>; UN Human Rights Council, *Deaths in Detention*, 3 February 2016, <http://www.refworld.org/docid/56b9f4c24.html>, paras 75-80.

<sup>265</sup> For example, “[O]n 16 May [2017], ISIL fighters in Albu Kamal allegedly cut the throats of eight men — four each at the 2 locations where air strikes had hit in the city the previous day — stating that the men were killed for providing the coordinates for the strikes”; UN Security Council, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015) and 2332 (2016)*, 23 June 2017, <http://www.refworld.org/docid/595640f74.html>, p. 17. See also, The New Arab, *Nearly 5,000 Syrians Have Been Murdered in Captivity by the Islamic State Group*, 30 September 2017, <http://bit.ly/2y1oX6t>; Ara News, *Islamic State Executes Palestinian Girl for Supporting Syrian Regime*, 29 December 2016, <http://bit.ly/2i0rlyE>; Ara News, *ISIS Extremists Execute Three Civilians in Raqqa on Charges of Spying for US Coalition*, 3 December 2016, <http://bit.ly/2IDSRJq>; Ara News, *ISIS Jihadists Execute, Crucify Syrian Woman on Charges of Spying for Kurdish Forces*, 5 November 2016, <http://bit.ly/2pL1t1C>; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 11 August 2016, <http://www.refworld.org/docid/57d015fd4.html>, para. 73; UN General Assembly, *Situation of Human Rights*, 9 June 2016, <http://www.refworld.org/docid/576a33aa4.html>, para. 20. See also “Persons Supporting, or Perceived to Be Supporting, the Government” (Section III.A.3) and sources referenced therein.

<sup>266</sup> See below “Persons Perceived as Contravening Shari’a Law in Areas under the Control or Influence of Extremist Islamist Armed Groups” (Section III.A.9) and “Persons of Diverse Sexual Orientations and/or Gender Identities” (Section III.A.12) and sources referenced therein.

<sup>267</sup> In areas under its control, ISIS has reportedly sought to win pledges of loyalty from local tribes. Members of tribes that refused to pledge allegiance to the group have reportedly been targeted for execution. NPR, *Photos: Ancient City of Palmyra after ISIS Was Driven Out*, 16 May 2016, <https://n.pr/1Sh35Ue>; Zeina Karam, *Life and Death in ISIS: How the Islamic State Builds Its Caliphate*, 5 January 2016, <http://bit.ly/2moCQXP>.

<sup>268</sup> US Department of State, *2016 Country Reports on Human Rights Practices – Syria*, 3 March 2017, <http://www.refworld.org/docid/58ec89bf13.html>, p. 29; UN Human Rights Council, *Deaths in Detention*, 3 February 2016, <http://www.refworld.org/docid/56b9f4c24.html>, para. 75. See also below “Certain Professionals – Journalists, other Media Professionals and Citizen Journalists” (Section III.A.7) and sources referenced therein.

professionals, humanitarian workers, and human rights activists.<sup>269</sup> ISIS reportedly carries out forced and under-age recruitment of persons living in areas under its *de facto* control.<sup>270</sup>

UNHCR considers that persons opposing, or perceived to be opposing, ISIS in areas under its *de facto* control, **are likely to be in need of international refugee protection** on the basis of their political opinion or imputed political opinion, and/or other relevant grounds, depending on the individual circumstances of the case.

##### 5) *Persons Opposing, or Perceived to Be Opposing, Anti-Government Armed Groups in Areas under Their De Facto Control or Influence*

Anti-government armed groups, including Jabhat Fatah Al-Sham, have employed varying degrees of interference and sometimes outright violence against those opposing or perceived to be opposing them in areas under their control.<sup>271</sup> Professionals such as journalists and citizen journalists,<sup>272</sup> lawyers, political and rights activists and aid workers are reported to be among the civilians most commonly subjected to intimidation, abduction, torture and ill-treatment.<sup>273</sup> According to reports, suspected government

<sup>269</sup> See below “*Certain Professionals*” (Section III.A.7) and sources referenced therein.

<sup>270</sup> In August 2017, ahead of military offensives against the group in Deir Ez-Zour Governorate, ISIS reportedly launched a massive campaign to forcibly recruit men between 20 and 30 years of age and, according to some reports, minors; UN Security Council, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015) and 2332 (2016)*, 21 September 2017, S/2017/794, <http://www.refworld.org/docid/59d4dc8a4.html>, p. 18; Voice of America, *Syrian Army, Allies Face Arduous Test in Eastern Syria*, 7 September 2017, <http://bit.ly/2xd925F>; OCHA, *Syria Crisis: North East Syria Situation Report No. 15 (1 - 31 August 2017)*, 31 August 2017, <http://bit.ly/2gVMrAs>, p. 2; OHCHR, *Syria: Monthly Human Rights Digest – August 2017*, 31 July 2017, <http://www.refworld.org/docid/59b926fc4.html>, p. 3. See also, UN Human Rights Council, *Human Rights Abuses and International Humanitarian Law Violations, 21 July 2016 - 28 February 2017*, 10 March 2017, <http://www.refworld.org/docid/58c80d884.html>, para. 109. On the recruitment of children, see also “*Violations and Abuses of Human Rights and Violations of International Humanitarian Law – Islamic State of Iraq and Al-Sham (ISIS)*” (Section II.C.2) and “*Children with Certain Profiles or in Specific Circumstances*” (Section III.A.11) and sources referenced therein.

<sup>271</sup> “*Insurgents also committed serious human rights violations, including detention, torture, and execution of perceived political dissidents and rivals, though conduct varied between different rebel groups*”; Freedom House, *Freedom in the World 2017 - Syria*, 8 June 2017, <http://www.refworld.org/docid/593a522f26.html>. “*OHCHR continued to receive reports of repressive measures taken by non-State armed opposition groups and the Levant Liberation Organization in Idlib, limiting the rights to freedoms of expression, peaceful assembly and association*”; UN Security Council, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015) and 2332 (2016)*, 19 April 2017, S/2017/339, <http://www.refworld.org/docid/590727364.html>, para. 12. “*The abduction of journalists, lawyers and activists appears to have increased since 2014 as armed groups, in particular Jabhat al-Nusra, have demonstrated intolerance towards freedom of expression or protests in areas under their control*”; Amnesty International, *Abductions, Torture and Summary Killings Under Armed Group Rule in Aleppo and Idlib, Syria*, 5 July 2016, <http://www.refworld.org/docid/577b81f84.html>, p. 5.

<sup>272</sup> “*OHCHR also continues to receive reports of activists and journalists and their families being subjected to harassment and intimidation by Hay’at Tahrir Al-Sham and other armed opposition groups*” (with examples); OHCHR, *Syria: Monthly Human Rights Digest – September 2017*, 6 October 2017, <http://www.refworld.org/docid/59db24594.html>, p. 6. “*Media freedom varies in rebel territory, but local outlets are generally under heavy pressure to support the dominant militant faction in the area*”; Freedom House, *Freedom in the World 2017 – Syria*, 8 June 2017, <http://www.refworld.org/docid/593a522f26.html>. “*Extremist organizations such as Jabhat al-Nusra, Jund al-Aqsa, and Da’esh also posed a serious threat to press and media freedoms. (...) A June 16 [2016] attack in Aleppo City injured prominent Syrian activist Hadi al-Abdullah and killed photographer Khaled al-Issa, both affiliated with the popular opposition media outlet Radio Fresh. No group took responsibility for the attack; however, it signified the risks to activists and journalists affiliated with opposition groups*”; US Department of State, *2016 Country Reports on Human Rights Practices – Syria*, 3 March 2017, <http://www.refworld.org/docid/58ec89bf13.html>, p. 29. “*Journalists in areas held by a wide variety of opposition and rebel groups – ranging from national and Islamic opposition factions, including ethnic Kurdish groups and Islamist groups such as the al-Qaida-affiliated al-Nusra Front and the Islamic State – say they experience varying degrees of interference, and sometimes violent intimidation*”; Syrian Independent Media Group, *In Syria’s Rebel Areas, Journalists Complain of New Censorship*, 9 May 2016, <http://upi.com/6312095t>. See also, Open Democracy, *Syria, the Uprising and the Media Scene*, 26 October 2017, <http://bit.ly/2zJgmn3>; CPJ, *Court Sentences Two Syrian Journalists for Blasphemy*, *Shutters Magazine*, 16 August 2017, <http://bit.ly/2z2NmqQ>; SNHR, *No less than 549 Cases of Arbitrary Arrest Recorded in August 2017*, 7 September 2017, <http://bit.ly/2w8Uwbi>, p. 8; Gulf Center for Human Rights (GCHR), *Syria: “Rising for Freedom” Magazine Banned and Journalists Sentenced to Prison, as VDC Offices Attacked by Mob*, 15 August 2017, <http://bit.ly/2weXQpf>; Syria Deeply, *In Besieged Eastern Ghouta, Rebel Infighting Increases Civilian Suffering*, 1 August 2017, <http://bit.ly/2yNsEva>; Syria Deeply, *‘Almost as Bad as the Regime’: Inside Syria’s Rebel-Run Prisons*, 31 July 2017, <http://bit.ly/2uHddC5>; Amnesty International, *Abductions, Torture and Summary Killings Under Armed Group Rule in Aleppo and Idlib, Syria*, 5 July 2016, <http://www.refworld.org/docid/577b81f84.html>, p. 16.

<sup>273</sup> “*Displaced civilian actors, including members of local councils and activists, also face increased threats and arrests, particularly by members of Hay’at Tahrir al-Sham, for their dissident activities*”; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 8 August 2017, <http://www.refworld.org/docid/59b24fe14.html>, para. 13. “*Since the Syrian conflict began in*

supporters,<sup>274</sup> as well as civilians suspected to be associated with or supportive of ISIS or rival armed groups have been abducted, tortured and summarily killed by anti-government armed groups.<sup>275</sup> Some groups have reportedly used force to suppress civilian protests against their rule/conduct, threatening, beating, and detaining activists and participants.<sup>276</sup>

UNHCR considers that persons opposing, or perceived to be opposing, anti-government armed groups in areas under their *de facto* control, **are likely to be in need of international refugee protection** on the basis of their political opinion or imputed political opinion, and/or other relevant grounds, depending on the individual circumstances of the case.

#### 6) *Persons Opposing, or Perceived to Be Opposing, the PYD/YPG*

According to reports, the YPG and its internal security force, the *Asayish*, have targeted real and perceived opponents of the PYD/YPG, including members of Kurdish opposition parties,<sup>277</sup> journalists and citizen

March 2011, civilians, activists and human-rights groups have consistently reported that non-state armed groups have subjected thousands of people – including aid workers, doctors, lawyers, rebels and journalists – to arbitrary arrest, enforced disappearance, unlawful detention and torture”; Syria Deeply, ‘Almost as Bad as the Regime’: Inside Syria’s Rebel-Run Prisons, 31 July 2017, <http://bit.ly/2uHddC5>. “A variety of new grassroots civil society networks emerged in many parts of Syria following the 2011 uprising, monitoring human rights abuses by all sides and attempting to provide humanitarian and other services in opposition areas. However, such activists face violence, intimidation, and detention by armed groups, and must operate secretly in some cases”; Freedom House, *Freedom in the World 2017 – Syria*, 8 June 2017, <http://www.refworld.org/docid/593a522f26.html>. “Armed opposition groups, mainly in opposition-held territory in northern Syria, have also arbitrarily detained people, including journalists, aid workers, and activists who have criticized them”; HRW, *Syria – Lasting Peace Will Require that Thousands Unlawfully Detained Are Released and Obtain Justice*, 14 March 2017, <http://bit.ly/2piDPdM>. See also, SNHR, *Hay’at Tahrir al Sham Commits Wide Violations in Idlib Governorate*, 21 October 2017, <http://bit.ly/2i9hWaz>; US Department of State, *2016 Country Reports on Human Rights Practices – Syria*, 3 March 2017, <http://www.refworld.org/docid/58ec89bf13.html>, p. 33; Amnesty International, *Abductions, Torture and Summary Killings Under Armed Group Rule in Aleppo and Idleb, Syria*, 5 July 2016, <http://www.refworld.org/docid/577b81f84.html>, p. 18. See also below “Certain Professionals” (Section III.A.7) and sources referenced therein.

<sup>274</sup> See above, “Persons Supporting, or Perceived to be Supporting, the Government” (Section III.A.3) and sources referenced therein.

<sup>275</sup> For example, following the FSA’s retaking of the town of Jarablus from ISIS in August 2016, “armed groups began an intensive campaign of arbitrarily arresting citizens perceived to be sympathetic to the terrorist group”; UN Human Rights Council, *Human Rights Abuses and International Humanitarian Law Violations*, 21 July 2016 - 28 February 2017, 10 March 2017, <http://www.refworld.org/docid/58c80d884.html>, para. 71. “Since 2014, Amnesty International has received a number of allegations of summary killings carried out in Aleppo and Idleb by Jabhat al-Nusra, the al-Shamia Front and their affiliated ‘courts’, as well as the Supreme Judicial Council. Among those believed to have been summarily killed are civilians, captured members of the Syrian government armed forces and security forces, and of pro-government shabiha militias, as well as persons alleged to be ‘infiltrators’, IS fighters and fighters from other rival groups that oppose the Syrian government. In some cases, armed groups have carried out execution-style killings in front of crowds” (emphasis added); Amnesty International, *Abductions, Torture and Summary Killings Under Armed Group Rule in Aleppo and Idleb, Syria*, 5 July 2016, <http://www.refworld.org/docid/577b81f84.html>, p. 28. See also, Syria Deeply, *In Besieged Eastern Ghouta, Rebel Infighting Increases Civilian Suffering*, 1 August 2017, <http://bit.ly/2yNsEva>; Syria Deeply, ‘Almost as Bad as the Regime’: Inside Syria’s Rebel-Run Prisons, 31 July 2017, <http://bit.ly/2uHddC5>; Syria Deeply, *Iron Rule: Jaish al-Islam in Eastern Ghouta*, 22 March 2016, <http://bit.ly/2sjN9yz>.

<sup>276</sup> “Hay’at Tahrir Al-Sham also continues to use force against peaceful protesters” (with examples); OHCHR, *Syria: Monthly Human Rights Digest – September 2017*, 6 October 2017, <http://www.refworld.org/docid/59db24594.html>, p. 6. See also, SNHR, *Hay’at Tahrir al Sham Commits Wide Violations in Idlib Governorate*, 21 October 2017, <http://bit.ly/2i9hWaz>, p. 4; UN Security Council, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015) and 2332 (2016)*, 24 August 2017, S/2017/733, <http://www.refworld.org/docid/59aebbad4.html>, p. 17; Freedom House, *Freedom in the World 2017 – Syria*, 8 June 2017, <http://www.refworld.org/docid/593a522f26.html>; Middle East Eye, *Syrian Rebels ‘Fire on Protesters’ Calling for End to Infighting*, 1 May 2017, <https://shar.es/1FE9Na>; Politico Magazine, *The Syrian Rebel Who Tried to Build an Islamist Paradise*, 31 March 2017, <http://politi.co/2nok3Zr>; The Middle East Institute, *Jabhat al-Nusra Oversteps Mark with Idlib Crackdown*, 14 March 2016, <http://bit.ly/1UwW4Do>; The Independent, *Five Years after the Arab Spring, a New Enemy Is Cracking Down on Syrian Protesters*, 11 March 2016, <http://ind.pn/2qJ0PCI>.

<sup>277</sup> “Many anti-PYD dissidents have been arrested or forced to leave the country – particularly members of the Kurdish National Council (ENKS), a collection of Kurdish political parties that oppose the PYD”; IRIN, *The Kurdish Struggle in Northern Syria*, 15 September 2017, <http://bit.ly/2ktlBVa>. “It [the YPG] has been accused of arbitrarily detaining perceived opponents”; Freedom House, *Freedom in the World 2017 – Syria*, 8 June 2017, <http://www.refworld.org/docid/593a522f26.html>. The cases reported concern in particular, but not exclusively, members of political parties that come under the umbrella of the Kurdish National Council (KNC), including the Kurdish Democratic Party in Syria (KDPS), which is closely affiliated with the Kurdish Democratic Party (KDP) of Massoud Barzani in the Kurdistan Region of Iraq; the Kurdish Freedom Party in Syria (*Azadi Party*); and the Kurdish Democratic Unity Party (*Yekiti Party*); see for example, SNHR, *No less than 557 Cases of Arbitrary Arrest in September 2017*, 4 October 2017, <http://bit.ly/2yuuW5j>, pp. 5, 8; Amnesty International, *Urgent Action: Two Kurdish Activists Freed, Third still Detained*, 12 July 2017, <http://bit.ly/2vRYFmx>; Ara News,



journalists,<sup>278</sup> as well as political activists and protesters,<sup>279</sup> for threats, intimidation, abduction, deprivation of liberty, and physical assaults.<sup>280</sup> Opposition groups have furthermore implicated the PYD in a number of unresolved political killings and disappearances since mid-2012; however, the PYD's involvement has not been independently confirmed.<sup>281</sup>

As the YPG/SDF advance on areas controlled by ISIS or anti-government armed groups, Arab civilians are reportedly subjected to stringent screening procedures and restrictions on their freedom of movement,<sup>282</sup> and instances of forcible displacement/evictions, abduction, deprivation of liberty, physical assaults as well

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Another Syrian Kurdish Politician Arrested by Rojava Asayish Forces, 22 May 2017, <http://bit.ly/2vzu3Wa>; Ara News, Six Kurdish Politicians Released from Asayish Prison in Syria's Qamishli, 8 February 2017, <http://bit.ly/2m2119R>.

<sup>278</sup> “According to reports from media outlets operating in areas controlled by the PYD, they faced pressure and received online threats demanding they play pro-PYD songs. Reports indicated that some opposition journalists affiliated with the Kurdish National Council were detained and/or beaten by members of the PYD security services. (...) According to allegations by Kurdish activists and in press reporting, the PYD and the YPG suppressed freedom of assembly and severely limited freedom of speech in areas under their control”; US Department of State, 2016 Country Reports on Human Rights Practices – Syria, 3 March 2017, <http://www.refworld.org/docid/58ec89bf13.html>, p. 33. See also, CPJ, Kurdish Security Forces Detain Local Reporter, Whereabouts Unknown, 29 September 2017, <http://bit.ly/2ksi3Co>; SNHR, No less than 549 Cases of Arbitrary Arrest Recorded in August 2017, 7 September 2017, <http://bit.ly/2w8Uwbi>, p. 5; CPJ, Kurdish Security Forces Detain TV Journalist in Syria, 17 May 2017, <http://www.refworld.org/docid/596f4bb9c.html>; The National, America's Favorite Syrian Militia Rules with an Iron Fist, 13 February 2017, <http://bit.ly/2ktPwax>; Reporters Without Borders, How Kurdistan's PYD Keeps the Media and News Providers in Line, updated on 20 January 2016, <http://bit.ly/2mHzMGH>; SNHR, The Most Significant Human Rights Violations by Kurdish Democratic Union Party and the Kurdish Self-Management Forces, 18 January 2016, <http://bit.ly/2lGu2g9>, pp. 8-9. See also below “Certain Professionals – Journalists, other Media Professionals and Citizen Journalists” (Section III.A.7) and sources referenced therein.

<sup>279</sup> “The arbitrary detention of Mohsen Taher, Amin Hussam and Bashar Amin in May is believed to be part of a calculated campaign of arrests of political activists and others by the Asayish across the area controlled by the PYD-led Autonomous Administration, commonly referred to as Rojava. Since 14 March 2017, the Asayish have arbitrarily arrested and detained numerous members and supporters of Kurdish opposition parties in Qamishli and in more than nine cities across Rojava”; Amnesty International, Urgent Action: Two Kurdish Activists Freed, Third still Detained, 12 July 2017, <http://bit.ly/2vRYFmx>. See also, SNHR, No less than 549 Cases of Arbitrary Arrest Recorded in August 2017, 7 September 2017, <http://bit.ly/2w8Uwbi>, p. 5; Freedom House, Freedom in the World 2017 – Syria, 8 June 2017, <http://www.refworld.org/docid/593a522f26.html>; US Department of State, 2016 Country Reports on Human Rights Practices – Syria, 3 March 2017, <http://www.refworld.org/docid/58ec89bf13.html>, p. 33; UN General Assembly, Situation of Human Rights, 9 June 2016, <http://www.refworld.org/docid/576a33aa4.html>, para. 25; UN Human Rights Council, Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, 11 February 2016, <http://www.refworld.org/docid/56d6b3843ea.html>, para. 114.

<sup>280</sup> “Amnesty International researchers documented the arbitrary detention of critics and others believed to be sympathizers or members of the armed group calling itself the Islamic State. Some people had been arbitrarily detained for periods up to a year without charge or trial. Those who did face trials were held in lengthy pre-trial detention and proceedings were blatantly unfair”; Amnesty International, Urgent Action: Two Kurdish Activists Freed, Third still Detained, 12 July 2017, <http://bit.ly/2vRYFmx>. See also, US Department of State, 2016 Country Reports on Human Rights Practices – Syria, 3 March 2017, <http://www.refworld.org/docid/58ec89bf13.html>, p. 15; UN General Assembly, Situation of Human Rights, 9 June 2016, <http://www.refworld.org/docid/576a33aa4.html>, para. 25; UN Security Council, Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014) and 2258 (2015) – Report of the Secretary-General, 23 March 2016, S/2016/272, <http://www.refworld.org/docid/570214ee4.html>, para. 18. UN Human Rights Council, Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, 11 February 2016, <http://www.refworld.org/docid/56d6b3843ea.html>, para. 114; German Institute for International and Security Affairs, The West's Darling in Syria, October 2015, <http://bit.ly/2tzBh9a>.

<sup>281</sup> German Institute for International and Security Affairs, The West's Darling in Syria, October 2015, <http://bit.ly/2tzBh9a>, p. 5; HRW, Under Kurdish Rule: Abuses in PYD-Run Enclaves of Syria, 19 June 2014, <http://www.refworld.org/docid/53a400c04.html>, pp. 34-37. See also, The Nation, America's Favorite Syrian Militia Rules with an Iron Fist, 13 February 2017, <http://bit.ly/2ktPwax>; The Telegraph, Syrian Kurds Accused of Ethnic Cleansing and Killing Opponents, 18 May 2016, <http://bit.ly/1sGNIgq>.

<sup>282</sup> “The management procedures and administrative requirements of the Kurdish Self-Administration with regard to internally displaced persons pose significant additional challenges to the internally displaced, including the confiscation of identification documents and the restriction of movement”; UN Security Council, Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015) and 2332 (2016), 24 August 2017, S/2017/733, <http://www.refworld.org/docid/59aebbad4.html>, para. 14. “In Tabqa [Raqqah Governorate] the SDF has reportedly imposed a curfew severely restricting freedom of movement. Many IDPs remain stranded in the desert as they are prevented from entering into SDF-controlled areas unless a Kurd from the community provides guarantees for them”; OHCHR, Syria: Monthly Human Rights Digest – May 2017, 3 June 2017, <http://www.refworld.org/docid/59bb83234.html>, p. 1. See also, Middle East Eye, ‘We’re Prisoners’: Syrians Trapped in SDF Camps after Escape from IS, 22 August 2017, <http://bit.ly/2v6IONw>; Syria Protection Cluster (Turkey), Screening and Sponsorship Procedures: Ar-Raqqah and Aleppo Governorates (Update No. 1, June 2017), June 2017, <http://bit.ly/2z6lZMT>; UN Security Council, Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015) and 2332 (2016), 23 May 2017, S/2017/445, <http://www.refworld.org/docid/592eb0fa4.html>, para. 37; HRW, Syria: Key Concerns for Raqqah Battle, 13 June 2017, <http://www.refworld.org/docid/5970a9844.html>; UN General Assembly, Situation of Human Rights, 9 June 2016, <http://www.refworld.org/docid/576a33aa4.html>, para. 39.

as looting and demolition of homes and other property on account of their perceived support for these groups have been reported.<sup>283</sup>

The YPG and *Asayish* reportedly carry out forced and under-age recruitment of persons living in areas under their *de facto* control.<sup>284</sup> Refusal to join the YPG can reportedly result in severe repercussions, including abduction, deprivation of liberty and abuses of people held in captivity, as well as forced recruitment, as the refusal to fight might reportedly be perceived as an expression of support for ISIS, or

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<sup>283</sup> “There is particular concern regarding the treatment of civilians and hors de combat fighters who are living or fleeing areas formerly under ISIL control. (...) OHCHR has received increasing reports of retaliatory acts against those believed to have had affiliations with the group. (...) In one case, OHCHR received reports of SDF fighters murdering a handcuffed man alleged to be affiliated with ISIL. In a video of the alleged incident published on social media on 15 July [2017], an SDF fighter in Ar-Raqqa Governorate is heard saying that this was the fate of every ‘Daeshy’ fighting and killing the YPG, while another said that he had not had his share, before firing again on the individual”; OHCHR, Syria: Monthly Human Rights Digest – July 2017, 31 July 2017, <http://www.refworld.org/docid/59b926a24.html>. “(...) the fear of arbitrary arrests, detention, deprivations of liberty, and the infliction of cruel treatment **due to perceived affiliation with IS or other armed opposition groups** will likely lead to a large number of persons displaced as various forces advance into IS-held areas” (emphasis added); OHCHR, Syria: Monthly Human Rights Digest – May 2017, 3 June 2017, <http://www.refworld.org/docid/59bb83234.html>, pp. 1, 5. “On 5 May [2016], Kurdish forces reportedly detained 30 men at checkpoints in the area of Ayn al-Arus, located south of Tall Abyad; **the men were accused of cooperating with ISIL**. Their whereabouts remains unknown” (emphasis added); UN Security Council, Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014) and 2258 (2015), 17 June 2016, S/2016/546, <http://www.refworld.org/docid/576b820e4.html>, para. 32. “OHCHR also reported that on 5 February [2015], YPG forces demolished the houses of 41 civilians in the Al-ghebish area of Tal Tamer, Hasakah governorate, accusing the Arab owners of being ISIL supporters”; UN Security Council, Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014) and 2258 (2015) – Report of the Secretary-General, 23 March 2016, S/2016/272, <http://www.refworld.org/docid/570214ee4.html>, para. 18. See also, Voice of America, Deficit of Trust Between Arabs, Kurds Complicates Raqqa Battle, 11 July 2017, <http://bit.ly/2tEEw1L>; UN Human Rights Council, Human Rights Abuses and International Humanitarian Law Violations, 21 July 2016 - 28 February 2017, 10 March 2017, <http://www.refworld.org/docid/58c80d884.html>, paras 89, 95; UN Security Council, Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014) and 2258 (2015) – Report of the Secretary-General, 20 July 2016, S/2016/631, <http://www.refworld.org/docid/5937aab44.html>, para. 23; UN General Assembly, Situation of Human Rights, 9 June 2016, <http://www.refworld.org/docid/576a33aa4.html>, para. 39.

<sup>284</sup> “Reports have emerged of IDPs being shot and killed as they attempt to flee ISIL-controlled areas, with the SDF reportedly forcibly drafting young men into their ranks.” And further: “Current information indicates that a recent change in the requirements had made all new IDP arrivals to Hassakeh governorate now subject to ‘conscription’. To date, there are no known cases of recruitment taking place within IDP sites”; OCHA, Syria Crisis: North East Syria Situation Report No. 13 (1- 31 July 2017), 31 July 2017, <http://bit.ly/2uSjg6R>, pp. 3, 5. “On 17 June [2017], the Syrian Defence Forces reportedly held seven civilians for forced recruitment in the village of Harmun in rural Hasakah”; UN Security Council, Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015) and 2332 (2016), 21 July 2017, <http://www.refworld.org/docid/59881d6f4.html>, p. 19. “Reports of forced recruitment campaigns by the SDF and YPG in both Ar-Raqqa and Al-Hassakeh Governorates are also being received. In two reported cases in the city of Quamishli on 19 June [2017], two men that had previously been released from compulsory military service by the Government of Syria on serious medical grounds were reportedly forcibly recruited into the SDF”; OHCHR, Syria: Monthly Human Rights Digest – June 2017, 30 June 2017, <http://www.refworld.org/docid/59b926174.html>, p. 4. “YPG forces continue to forcibly conscript men and boys for military service”; UN Human Rights Council, Human Rights Abuses and International Humanitarian Law Violations, 21 July 2016 - 28 February 2017, 10 March 2017, <http://www.refworld.org/docid/58c80d884.html>, para. 94. “The PYD-affiliated Kurdish security forces reportedly captured unknown numbers of men and women between the ages of 18 and 30 at checkpoints and from residences in Kurdish areas and compelled them to fight for the YPG”; US Department of State, 2016 Country Reports on Human Rights Practices – Syria, 3 March 2017, <http://www.refworld.org/docid/58ec89bf13.html>, p. 55. See also, War on the Rocks, Northern Syria’s Anti-Islamic State Coalition Has an Arab Problem, 18 September 2017, <http://bit.ly/2xmmQLJ>; Ara News, SDF Increases Conscription Campaign in Northern Syria, 2 July 2017, <http://bit.ly/2vmZ5Rg>.

alternatively, opposition to the PYD/YPG.<sup>285</sup> The YPG has in some cases reportedly also singled out family members of those opposing forced recruitment or otherwise suspected of being affiliated with ISIS.<sup>286</sup>

UNHCR considers that persons opposing, or perceived to be opposing, the PYD/YPG in areas under its *de facto* control, **are likely to be in need of international refugee protection** on the basis of their political opinion or imputed political opinion, their ethnic or religious background, and/or other relevant grounds, depending on the individual circumstances of the case.

### 7) *Certain Professionals*

Certain professionals have reportedly been targeted by all sides in the conflict, on the basis of their real or perceived association with another party to the conflict, or because they have expressed views or have undertaken activities in support of another party to the conflict.

#### *Journalists, other Media Professionals and Citizen Journalists*

Syria is deemed to be the world's most dangerous country for journalists, other media professionals and citizen journalists; while some have been killed in crossfire or other acts of indiscriminate violence, others have reportedly faced threats, abduction, arrest, detention and targeted killings at the hands of both state and non-state actors across the country.<sup>287</sup>

#### *Academics and Teachers*

There are reports of teaching staff at universities in government-held areas having been dismissed or imprisoned for their real or perceived opposition to the government or support for anti-government

<sup>285</sup> “After its offensive to take Manbij, Aleppo, from ISIL, the Syrian Democratic Forces required significant reinforcements to set the stage to retake Ar-Raqqah city. The need for increased ‘manpower’ resulted in a surge in forced conscription of thousands of civilians, predominantly men and boys, and was accompanied by arrests of those unwilling to be conscripted. Investigations are ongoing”; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 8 August 2017, <http://www.refworld.org/docid/59b24fe14.html>, para. 80. “Paulo Sérgio Pinheiro, the chairman of the [Independent International] commission [of Inquiry], said his office had documented a ‘significant increase in child recruitment’ by the S.D.F., too, as part of its Raqqa offensive. Mr. Pinheiro said the Kurdish police had ‘arrested men and boys at checkpoints throughout areas under their control,’ on suspicion of supporting ISIS or for not joining their militia”; The New York Times, *New Dangers Stalk Syrian Children still Haunted by Horrors under ISIS*, 31 July 2017, <https://nyti.ms/2ubqS33>. For example, “(…) a 17 year-old boy was arrested by Asayish (Kurdish police) forces at a checkpoint located between Tal Brak and al-Hasakah city in the summer of 2015, and held until September 2016 on **the accusation of supporting ISIL for not joining the YPG**. The boy described inhuman conditions at a detention facility in al-Hasakah city, as he was initially held in a bathroom instead of a cell, and tied to a metal bar with his arms above his head. The boy claimed to have been both physically and psychologically tortured during interrogation, while blindfolded, and later held with other boys aged 13 to 17 years” (emphasis added); UN Human Rights Council, *Human Rights Abuses and International Humanitarian Law Violations*, 21 July 2016 - 28 February 2017, 10 March 2017, <http://www.refworld.org/docid/58c80d884.html>, para. 94. “The PYD-affiliated Kurdish security forces reportedly captured unknown numbers of men and women between the ages of 18 and 30 at checkpoints and from residences in Kurdish areas and compelled them to fight for the YPG”; US Department of State, *2016 Country Reports on Human Rights Practices – Syria*, 3 March 2017, <http://www.refworld.org/docid/58ec89bf13.html>, p. 55. See also above “Violations and Abuses of Human Rights and Violations of International Humanitarian Law – People’s Protection Units (YPG)” (Section II.C.4) and sources referenced therein.

<sup>286</sup> “An estimated 160 youths between 18 to 30 years have reportedly been forcibly recruited into the Kurdish People’s Protection Unit (YPG) after being intercepted at security checkpoints and during door-to-door searches in Al Hasakeh Governorate. In some cases, the forced recruitment has resulted in **violent confrontations with parents, and at least 40 parents arrested** in Malkyeh, Ya’aroubiyeh, and Qahtaniyah towns” (emphasis added); OCHA, *Syria Crisis Bi-Weekly Situation Report No. 15*, 17 October 2016, <http://bit.ly/2ymlwbn>, p. 5. “On 14 December [2015], YPG fighters reportedly entered the village of Suwaydiyah, southern rural Hasakah, and forcibly conscripted 34 Kurdish civilians, including women and children. **Families who opposed the recruitments were reportedly deprived of their liberty**” (emphasis added); UN General Assembly, *Situation of Human Rights*, 9 June 2016, <http://www.refworld.org/docid/576a33aa4.html>, para. 25. “Witnesses stated to VDC that most of those who were victims of the recent looting were civilian non-combatants with no military affiliation. In the rare case that a member of a family was known to have joined ISIS, this led to **the punishment of the whole family**” (emphasis added); VDC, “Under a Scorching Sun” – A Special Report on the Recent Events Witnessed in Raqqa Governorate, August 2015, <http://bit.ly/2m3k7h2>, p. 15. See also, Amnesty International, *Syria: Arbitrary Detentions and Blatantly Unfair Trials Mar PYD Fight Against Terrorism*, 7 September 2015, <http://www.refworld.org/docid/55efecce4.html>.

<sup>287</sup> “Journalists face physical danger throughout Syria”; Freedom House, *Freedom in the World 2017 – Syria*, 8 June 2017, <http://www.refworld.org/docid/593a522f26.html>. Syria is ranked 177<sup>th</sup> out of 180 countries in Reporters Without Border’s 2017 World Press Freedom Index. “Professional and citizen-journalists alike are now caught between the various parties to the conflict – both the regime and its allies and the various armed opposition groups including the Kurds and Jihadi fighters such as Islamic State. Frequent intimidation, arrests, abductions and murders constitute an extremely grim environment for the media”; Reporters Without Borders, *In Syria, 211 Journalists Killed in Conflict that Began Six Years ago*, 16 March 2017, <http://www.refworld.org/docid/58caa2ed4.html>. See

groups.<sup>288</sup> In areas taken over by ISIS, education personnel have reportedly been pressured to “repent” for having taught the official curriculum and to attend *Shari’a* courses if they wanted to remain in employment. Professors and teachers refusing to teach in line with the group’s instructions and curriculum, or who were otherwise seen as opposing ISIS, have reportedly been subjected to abduction, torture and execution.<sup>289</sup>

### *Doctors and other Health Professionals*

Doctors and other health professionals are reportedly targeted by various parties to the conflict, including because they have attended to people wounded as a result of the conflict.<sup>290</sup> Reports describe a state-sponsored policy of deliberate targeting of healthcare personnel and hospitals and the denial of medical access to persons associated with the opposition.<sup>291</sup> In addition to the risk of falling victim to deliberate shelling of hospitals, doctors and other medical personnel have reportedly also been subjected to threats, arbitrary arrest, *incommunicado* detention, abduction, torture, sniper fire, forced displacement and extra-judicial execution, particularly for providing, or being suspected to be providing, healthcare or medical supplies to fighters or persons perceived to be associated with the anti-government opposition.<sup>292</sup> In ISIS-held areas, doctors and other medical personnel are reportedly subjected to threats, abduction and execution when refusing to treat ISIS fighters or pledging allegiance to the group. Female doctors are reportedly

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also, CPJ, *113 Journalists Killed in Syria/Motive Confirmed*, accessed 30 October 2017, <https://cpj.org/killed/mideast/syria/>; The New Arab, *Syria’s Citizen Journalists on the Frontline of Press Freedom*, 2 May 2017, <http://bit.ly/2pTjRpk>. See also above “*Persons Opposing, or Perceived to Be Opposing, the Government*” (Section III.A.1), “*Persons Supporting, or Perceived to Be Supporting, the Government*” (Section III.A.3), “*Persons Opposing, or Perceived to Be Opposing, ISIS in Areas under Its De Facto Control or Influence*” (Section III.A.4), “*Persons Opposing, or Perceived to Be Opposing, Anti-Government Armed Groups in Areas under Their De Facto Control or Influence*” (Section III.A.5), and “*Persons Opposing, or Perceived to Be Opposing, the PYD/YPG*” (Section III.A.6) and sources referenced therein.

<sup>288</sup> Freedom House, *Freedom in the World 2017 – Syria*, 8 June 2017, <http://www.refworld.org/docid/593a522f26.html>. See also above “*Persons Opposing, or Perceived to Be Opposing, the Government*” (Section III.A.1) and sources referenced therein.

<sup>289</sup> Reuters, *Islamic State Kills 12 in Palmyra, among Them Teachers, Soldiers: Monitor*, 19 January 2017, <http://reut.rs/2iMg8mf>; Raqqa Is Being Slaughtered Silently, *ISIS Curriculum and Educational System*, 18 September 2016, <http://go.shr.lc/2cTLQgZ>; The Atlantic Council, *A Closer Look at the Educational System of ISIS*, 26 April 2016, <http://bit.ly/1TxYPR4>.

<sup>290</sup> According to Stephen Fee, a spokesman for PHR, “[I]n modern times, there has not been the kind of assault on health care professionals like we’ve seen in Syria.” And further: “Nowhere else in the world has the assault been so systematic”; Chicago Tribune, *Syrian Doctors, Others from Chicago Area Risk own Lives to Save Others in War Zone*, 8 May 2017, <http://trib.in/2qSBx27>. See also, Reuters, *Name, Shame Countries That Don’t Protect Doctors in War, Expert Tells UN*, 17 August 2017, <http://bit.ly/2wkSTdb>; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 11 August 2016, <http://www.refworld.org/docid/57d015fd4.html>, para. 42.

<sup>291</sup> “*The Syrian government’s attack on the country’s health system has been as focused upon medical personnel as on facilities, supporting the argument that this tactic represents a widespread and systematic governmental policy*”; PHR, *Anatomy of a Crisis – A Map of Attacks on Health Care in Syria*, August 2017, <http://bit.ly/2qDlnd5>, p. 2. “*Repeated bombardments, lack of warnings and the absence of military presence in the vicinity of the health-care facilities strongly suggest the deliberate and systematic targeting of medical infrastructure as part of a strategy to compel surrender (...)*”; UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 2 February 2017, A/HRC/34/64, <http://www.refworld.org/docid/58b827094.html>, para. 32. According to PHR, 830 medical personnel were killed between March 2011 and the end of August 2017 as a result of shelling and bombing (56 per cent), shooting (22 per cent), torture (13 per cent) and execution (8 per cent). PHR has mapped over 478 attacks against 323 separate medical facilities in Syria during the same period. Of these attacks, the vast majority (432) were reportedly committed by government forces, 30 by various anti-government armed groups and ISIS, and one by international coalition forces. In 15 cases PHR was not able to attribute responsibility. The majority of attacks on medical facilities were reportedly targeted attacks in violation of IHL; *Ibid.*, pp. 1, 2. See also, The Independent, *Syrian Medics Report ‘Systematic’ Targeting of Hospitals*, 17 January 2017, <http://ind.pn/2jbxPiK>; Amnesty International, *Syrian and Russian Forces Targeting Hospitals as a Strategy of War*, 3 March 2016, <http://www.refworld.org/docid/56d9574b4.html>.

<sup>292</sup> “*Medical personnel have also been arrested, disappeared, imprisoned, tortured, or executed. (...) Medical personnel are often arrested and sentenced to years in prison for carrying out their professional and ethical duties – equipping hospitals, treating patients, and conducting first-aid training in besieged areas*”; PHR, *Anatomy of a Crisis – A Map of Attacks on Health Care in Syria*, August 2017, <http://bit.ly/2qDlnd5>, p. 2. As part of the local ceasefire agreement in Madaya (Rural Damascus Governorate), health-care personnel were reportedly excluded from the reconciliation process on account of their medical work and perceived support for the opposition and forced to evacuate from the area; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 8 August 2017, <http://www.refworld.org/docid/59b24fe14.html>, paras 22, 31. See also, US Department of State, *2016 Country Reports on Human Rights Practices – Syria*, 3 March 2017, <http://www.refworld.org/docid/58ec89bf13.html>, pp. 2, 4, 27; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 11 August 2016, <http://www.refworld.org/docid/57d015fd4.html>, paras 43, 59; Foreign Policy, *The War on Syria’s Doctors*, 11 August 2016, <http://atfp.co/2aQH9Hh>. See also above “*Persons Opposing, or Perceived to Be Opposing, the Government*” (Section III.A.1) and sources referenced therein.

obliged to adhere to ISIS' strict dress codes, or risk severe punishment.<sup>293</sup> The SDF has been reported to arbitrarily detain medical personnel for providing assistance to ISIS.<sup>294</sup>

### *Humanitarian Workers*

Syria is reported to be one of the most dangerous countries in the world for humanitarian workers.<sup>295</sup> In addition to being caught in crossfire, they are reportedly targeted for abduction, detention and violence by both state and non-state actors, who consider them, in spite of the neutrality of humanitarian workers, to be supportive of either party to the conflict.<sup>296</sup>

### *Human Rights Defenders*

Human rights defenders, including lawyers, have reportedly been targeted by government forces for killing, arbitrary arrest and *incommunicado* detention, unfair trials before military and anti-terrorism courts, restrictions on their freedom of movement, property confiscation, and other forms of harassment and intimidation.<sup>297</sup> At the same time, non-state armed actors have reportedly also targeted human rights defenders for intimidation, death threats, abduction and *incommunicado* detention, including in situations where human rights defenders have been involved in documenting abuses committed by these groups.<sup>298</sup>

<sup>293</sup> US Commission on International Religious Freedom, *USCIRF Annual Report 2017 – Tier 1: USCIRF-Recommended Countries of Particular Concern (CPC) – Syria*, 26 April 2017, <http://www.refworld.org/docid/59072f4913.html>; Doctors Without Borders, *MSF Doctor: Life under ISIS Was Terrifying*, 16 December 2015, <http://huff.to/2p1psL5>; International Business Times, 'Our Lives in Raqqa Turned to Black' Says Escaped Female Doctor, 27 November 2015, <http://bit.ly/2pcABEH>; The Independent, *ISIS Shuts Down Women's Clinics in Raqqa to Prevent Male Gynaecologists Treating Female Patients*, 29 October 2015, <http://ind.pn/1XCODuT>. See also "Persons Perceived as Contravening Shari'a Law in Areas under the Control or Influence of Extremist Islamist Armed Groups" (Section III.A.9) and "Women and Girls with Certain Profiles or in Specific Circumstances" (Section III.A.10) and sources referenced therein.

<sup>294</sup> HRW, *Syria: Key Concerns for Raqqa Battle*, 13 June 2017, <http://www.refworld.org/docid/5970a9844.html>.

<sup>295</sup> CARE, *Syria Tops List of Most Deadly Places in the World to Be an Aid Worker*: CARE, 18 August 2017, <http://bit.ly/2vO2YNz>; Insecurity Insight, *Aid in Danger Incident Trends: Aid Workers Reportedly Injured (January 2017 - June 2017)*, 30 June 2017, <http://bit.ly/2h5elOc>; OCHA, *2017 Humanitarian Needs Overview*, 1 December 2016, <http://bit.ly/2kC16M>, p. 23. Since 2011, dozens of humanitarian workers have reportedly been killed, including 21 staff members of the United Nations (of whom 17 were UNRWA staff members), 65 staff members and volunteers of Syrian Arab Red Crescent (SARC) and eight staff members and volunteers of the Palestine Red Crescent Society. In addition, many staff members of international and national NGOs are reported to have been killed. A total of 26 United Nations staff are currently detained or missing; UN Security Council, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015) and 2332 (2016)*, 21 September 2017, S /2017/794, <http://www.refworld.org/docid/59d4dc8a4.html>, paras 39-40. See also, Insecurity Insight, *The Aid in Danger Monthly News Brief*, available at: <http://bit.ly/2yV2FnC>; Devex, *Violence Against UN, Aid Workers on the Rise, Report Finds*, 2 November 2016, <http://bit.ly/2lCavcv>.

<sup>296</sup> SNHR, *Hay'at Tahrir al Sham Commits Wide Violations in Idlib Governorate*, 21 October 2017, <http://bit.ly/2i9hWaz>, pp. 8-9; Freedom House, *Freedom in the World 2017 – Syria*, 8 June 2017, <http://www.refworld.org/docid/593a522f26.html>; US Department of State, *2016 Country Reports on Human Rights Practices – Syria*, 3 March 2017, <http://www.refworld.org/docid/58ec89bf13.html>, p. 23. The deliberate targeting of aid convoys, ambulances, warehouses and offices has also been reported; UN Security Council, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015) and 2332 (2016)*, 21 July 2017, <http://www.refworld.org/docid/59881d6f4.html>, paras 35-36; UN Human Rights Council, *Human Rights Abuses and International Humanitarian Law Violations, 21 July 2016 - 28 February 2017*, 10 March 2017, <http://www.refworld.org/docid/58c80d884.html>, paras 38-45, 66; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 2 February 2017, <http://www.refworld.org/docid/58b827094.html>, paras 79-88.

<sup>297</sup> Frontline Defenders, #Syria, accessed 30 October 2017, <http://bit.ly/2p0PhL3>. See also, GCHR, *Syria: GCHR Calls for the Immediate Release of Human Rights Lawyer Khalil Ma'touq and His Assistant Mohamed Thatha*, 2 October 2017, <http://bit.ly/2heYDgl>; Freedom House, *Freedom in the World 2017 – Syria*, 8 June 2017, <http://www.refworld.org/docid/593a522f26.html>; GCHR, *Syria: More than 5 Years on the Detention of Bassel Khartabil*, 3 May 2017, <http://bit.ly/2tW1rm2>; US Department of State, *2016 Country Reports on Human Rights Practices – Syria*, 3 March 2017, <http://www.refworld.org/docid/58ec89bf13.html>, pp. 2, 32, 42-43; Association for Women's Rights in Development (AWID), *The Status of Women Human Rights Defenders in Syria*, 8 December 2016, <http://bit.ly/2gYmukY>, pp. 7, 11-12, 14; UN Security Council, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014) and 2258 (2015)*, 19 May 2016, S/2016/460, <http://www.refworld.org/docid/57469a6b4.html>, para. 15; GCHR, *Syrian Human Rights Defenders Losing Hope with International Community as Human Rights Violations Continue Unabated*, 15 March 2016, <http://bit.ly/2rmb7FH>.

<sup>298</sup> Frontline Defenders, #Syria, accessed 30 October 2017, <http://bit.ly/2p0PhL3>; GCHR, *Syria: "Rising for Freedom" Magazine Banned and Journalists Sentenced to Prison, as VDC Offices Attacked by Mob*, 15 August 2017, <http://bit.ly/2weXQpf>; International Federation for Human Rights (FIDH), *Syria: Abducted Activists' Whereabouts Remain – Unknown 3 Years on, No Word on Douma 4*, 12 December 2016, <http://bit.ly/2pBOSNR>; GCHR, *Syrian Human Rights Defenders Losing Hope with International Community as Human Rights Violations Continue Unabated*, 15 March 2016, <http://bit.ly/2rmb7FH>.

Hardline Sunni Islamist groups have also reportedly issued *fatwas* (religious edicts) against human rights defenders and have sought to justify their killing on the basis of apostasy.<sup>299</sup>

### Artists

Artists engaged in both performing arts and in visual arts have reportedly been targeted for detention and deprivation of liberty, disappearance and killing by all parties to the conflict, including in particular for expressing critical views of one of the parties.<sup>300</sup>

UNHCR considers that professionals such as journalists and citizen journalists, academics and teachers, doctors and other health professionals, humanitarian workers, human rights defenders and artists **are likely to be in need of international refugee protection** on the basis of their political opinion or imputed political opinion, and/or other relevant grounds, depending on the individual circumstances of the case.

### 8) *Members of Religious and Minority Ethnic Groups*

The situation of members of religious and minority ethnic groups varies from area to area, and depends in particular on the actor in control of the area, these actors' views and perceptions vis-à-vis members of other religious and minority ethnic groups, as well as the specific conflict developments in these areas.

As the conflict evolved, religious and minority ethnic groups have reportedly increasingly aligned themselves, or are perceived to have aligned themselves, with parties to the conflict,<sup>301</sup> with minority religious and ethnic communities largely associated with the government,<sup>302</sup> fighting a mainly Sunni Arab opposition.<sup>303</sup> Since 2011, previously religiously mixed neighbourhoods, towns, and villages have reportedly increasingly become segregated along religious lines, including as a result of population transfers.<sup>304</sup> Parties to the conflict reportedly employ sectarian rhetoric to justify attacks against opposing

<sup>299</sup> Frontline Defenders, #Syria, accessed 30 October 2017, <http://bit.ly/2p0PhL3>.

<sup>300</sup> In a report released in mid-2015, SNHR documented the killing of 22 artists and the detention/disappearance of 57 others, mostly at the hands of government forces, anti-government armed groups and ISIS; SNHR, *Syrian Artists: Between Freedom and Oppression – Most Notable Violations Against Artists in Syria*, 28 June 2015, <http://bit.ly/2pBBvND>. See also, Vocativ, *The Islamic State Is Enforcing a Ban on Everything Fun*, 30 March 2016, <http://voc.tv/2ljIevz>; Middle East Eye, 'One of Syria's Bravest Cartoonists' Tortured to Death in Prison, 23 September 2015, <https://shar.es/1FZNuc>; Freemuse, *Syrian Artists Standing Against Tyranny*, 27 April 2015, <http://bit.ly/2qJh1Ao>.

<sup>301</sup> "According to international media reports, a number of minority religious groups viewed the government as their protector against violent Sunni extremists." And further, "Neighborhoods, towns, and villages that were once religiously diverse were increasingly segregated by religious group as displaced members of minority religious groups relocated, seeking greater security and safety by living with coreligionists"; US Department of State, 2016 Report on International Religious Freedom – Syria, 15 August 2017, <http://www.refworld.org/docid/59b7d8393.html>, pp. 1, 4. "The war has increased sectarian hostility and polarization in both government and rebel-held areas"; Freedom House, *Freedom in the World 2017 – Syria*, 8 June 2017, <http://www.refworld.org/docid/593a522f26.html>. "Civilians have been deliberately killed in attacks where the belligerents have conflated a community's ethnic and/or religious backgrounds and its perceived political loyalties. In some cases, there has been intentional targeting of various ethnic, religious and professional communities, as well as sexual minorities" (emphasis added) UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 11 February 2016, <http://www.refworld.org/docid/56d6b3843ea.html>, para. 104. For examples, see the same report, paras 108, 110, 111, 116.

<sup>302</sup> See above "Persons Supporting, or Perceived to be Supporting, the Government" (Section III.A.3) and sources referenced therein.

<sup>303</sup> "As the insurgency continued to be identified with the Sunni population, the government reportedly targeted towns and neighborhoods for siege, mortar shelling, and aerial bombardment on the basis of the religious affiliation of residents." And further: "While rebels identified themselves explicitly as Sunni Arab or Sunni Islamist groups in statements and publications and drew on a support base made up of almost exclusively Sunnis, making government targeting appear sectarian, observers noted that other motivations for the violence clearly existed" (emphasis added); US Department of State, 2016 Report on International Religious Freedom – Syria, 15 August 2017, <http://www.refworld.org/docid/59b7d8393.html>, pp. 1, 6. See also Freedom House, *Freedom in the World 2017 – Syria*, 8 June 2017, <http://www.refworld.org/docid/593a522f26.html>; Syria Deeply, *How Hafez al-Assad Divided the Alawite Sect*, 29 June 2016, <http://bit.ly/2v1WkaK>. See also above "Persons Opposing, or Perceived to Be Opposing, the Government" (Section III.A.1) and sources referenced therein.

<sup>304</sup> "The armed conflict is largely sectarian, with Sunni Arab civilians bearing the brunt of government and progovernment militia attacks, some Islamist factions persecuting minorities and others they deem insufficiently pious, and civilians of all confessions seeking safety among their respective groups. The result is significant, ongoing change in the country's demographics, including as deliberate military strategy"; Freedom House, *Freedom in the World 2017 – Syria*, 8 June 2017, <http://www.refworld.org/docid/593a522f26.html>. "When displaced by violence or the fear of violence, religious and ethnic communities have tended to cluster together. In seeking safety, their flight has aligned the geographic divisions with differences in real or perceived political loyalties"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 11 February 2016,

parties and those perceived to be supporting them.<sup>305</sup> The reported rise in pro-government forces composed mostly of members from religious minorities has reportedly further fostered sectarian hostilities.<sup>306</sup>

Kurdish civilians have been targeted for attacks by ISIS, Jabhat Fatah Al-Sham and anti-government armed groups, reportedly for their real or perceived support for the YPG and/or their real or perceived collaborating with the government.<sup>307</sup>

On various occasions, military advances by ISIS, Jabhat Fatah Al-Sham and other anti-government armed groups into areas inhabited by members of religious minority groups have reportedly been accompanied by abductions and killings of civilians, looting and destruction of homes and other properties, and the desecration of religious sites.<sup>308</sup> Such abuses have reportedly been motivated by either political (perceived

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<http://www.refworld.org/docid/56d6b3843ea.html>, para. 95. See also, US Department of State, 2016 Report on International Religious Freedom – Syria, 15 August 2017, <http://www.refworld.org/docid/59b7d8393.html>, pp. 4, 8.

305 “Media and academic experts said the government continued to portray the armed resistance in sectarian terms, saying opposition protesters and fighters were associated with ‘extreme Islamist factions’ and terrorists seeking to eliminate the country’s religious minority groups and its secular approach to governance.” And further, “JAN also continued to characterize its fight against the government in derogatory terms aimed at delegitimizing and dehumanizing government supporters on the basis of their Alawite religious identity”; US Department of State, 2016 Report on International Religious Freedom – Syria, 15 August 2017, <http://www.refworld.org/docid/59b7d8393.html>, pp. 9, 13. “ISIS considers Alawites and Shi’a Muslims to be nonbelieving enemies who are actively fighting Islam due to their perceived alliance with the al-Assad regime”; USCIRF, USCIRF Annual Report 2017 – Tier I: USCIRF-Recommended Countries of Particular Concern (CPC) – Syria, 26 April 2017, <http://www.refworld.org/docid/59072f4913.html>. “As the war has worsened, many Syrians have based their allegiance on sectarian identity. But this is not because they are motivated primarily by religious or ethnic concerns. Rather, it is defensive. They fear that the other side will target them for their background, so they feel safe only with their own people. This contributes to atrocities: If Alawites are seen as innately pro-Assad, then Sunni militias could conclude that all Alawite civilians are a threat and treat them accordingly, which prompts more defensive sorting”; The New York Times, *Straightforward Answers to Basic Questions About Syria’s War*, 18 September 2016, <http://nyti.ms/2tc3Vkl>. See also, Open Democracy, *Syria, the Uprising and the Media Scene*, 26 October 2017, <http://bit.ly/2zJgmn3>; The New York Times, *In Fight for Aleppo, Tangled Alliances in Syria Add to Chaos*, 6 October 2016, <http://nyti.ms/2vRUHu4>.

306 “The cross-sectarian nature of the revolt, when it broke out in March 2011, gradually gave way to an armed Sunni backlash. The mass killings of peaceful demonstrators and the deployment of a mainly Alawite militia to help crush protests fueled sectarian mobilization”; German Institute for International and Security Affairs, *Syria’s Sectarian Quandary*, April 2017, <http://bit.ly/2wKTCv3>. “Alawis, members of Assad’s sect, make up much of the army’s top echelons; other minorities are also disproportionately represented among the officer corps”; CFR, *Who’s Who in Syria’s Civil War*, last updated 28 April 2017, <http://on.cfr.org/2tkoEBO>. “(...) the NDF [National Defence Force] is also often described as a sectarian militia dominated by Alawites and other Syrian minorities”; The Jamestown Foundation, *Institutionalized ‘Warlordism’: Syria’s National Defense Force*, 24 March 2017, <http://bit.ly/2n9Gv8p>. “The Government’s attacks on communities perceived to support armed groups – owing to their geographic location and/or religious background – and reliance on Alawite and Shia forces, both within its own ranks and in allied forces, have also stoked sectarian tensions”; UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 11 February 2016, <http://www.refworld.org/docid/56d6b3843ea.html>, para. 115. See also, US Department of State, 2016 Report on International Religious Freedom – Syria, 15 August 2017, <http://www.refworld.org/docid/59b7d8393.html>, p. 8; Chatham House, *The Regime and Loyal Militias Will Struggle to Disentangle Their Relationship*, July 2017, <http://bit.ly/2vIuvi0>.

307 “ISIS continued to attack Syrian Kurdish civilians as part of its ongoing fight against the People’s Protection Unit (YPG), a Kurdish-dominated militia with an ideology described by journalists and think tank reports as secular”; US Department of State, 2016 Report on International Religious Freedom – Syria, 15 August 2017, <http://www.refworld.org/docid/59b7d8393.html>, p. 12. “According to the COI, Da’esh directed multiple bombings of medical centers in areas seized by the Kurdish People’s Protection Units (YPG) and targeted civilians with suicide bombings in streets full of civilians and near hospitals”; US Department of State, 2016 Country Reports on Human Rights Practices – Syria, 3 March 2017, <http://www.refworld.org/docid/58ec89bf13.html>, p. 22. For example, on 19 May 2017, a small group of ISIS fighters reportedly entered the SDF-controlled village of Albu Shams (Deir Ez-Zour Governorate) and killed at least 28 civilians; UN Security Council, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015) and 2332 (2016)*, 23 June 2017, <http://www.refworld.org/docid/595640f74.html>, p. 17. See also, The New York Times, *ISIS Said to Abduct Hundreds of Kurdish Civilians in Syria*, 24 June 2016, <http://nyti.ms/2mlSB0x>. In Aleppo city, anti-government armed groups, including Jabhat Fatah Al-Sham, have reportedly targeted civilian-inhabited areas in the Kurdish-majority and YPG-controlled Sheikh Maqsoud neighbourhood for attacks, reportedly in revenge for their perceived support of the YPG and pro-government forces; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 2 February 2017, <http://www.refworld.org/docid/58b827094.html>, paras 75-78, 100. See also, Amnesty International, 2016/17 – Syria, 22 February 2017, <http://www.refworld.org/docid/58b033aba.html>; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 11 August 2016, <http://www.refworld.org/docid/57d015fd4.html>, paras 30, 62; Al Jazeera, *Conflict Within a Conflict: Aleppo’s Sheikh Maqsoud*, 3 August 2016, <http://bit.ly/2mpQ6dW>; Amnesty International, *Syria: Armed Opposition Groups Committing War Crimes in Aleppo City*, 13 May 2016, <http://www.refworld.org/docid/57358dc54.html>. See also above “Persons Supporting, or Perceived to Be Supporting, the Government” (Section III.A.3) and sources referenced therein.

308 “(...) Hay’at Tahrir al-Sham, ISIL and armed group fighters targeted religious minorities using car and suicide bombings, snipers and hostage-taking”; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 8 August 2017,

support for the government) or religious reasons (with members of religious and ethnic minority groups considered as “non-believers” by ISIS, Jabhat Fatah Al-Sham and others), or a combination of both.<sup>309</sup>

In areas under control of extremist or hardline Islamist groups such as ISIS and Jabhat Fatah Al-Sham, civilians (Sunni and non-Sunni) are reportedly at risk of being abducted, tortured and killed for not adhering to these groups’ strict interpretation of Islam, including on the basis of accusations such as apostasy, blasphemy and indecent behaviour.<sup>310</sup> Some religious figures have reportedly been kidnapped or killed,<sup>311</sup> and Islamist extremists have reportedly deliberately desecrated or destroyed religious buildings, including Christian churches and Sufi, Alawite and Shi’ite mosques and shrines.<sup>312</sup> In areas, which fell under the *de facto* control of ISIS, the remaining Christians were reportedly told that they must either face death, pay

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<http://www.refworld.org/docid/59b24fe14.html>, para. 83. See also paras 36-48, 83 of the same report. “*ISIS and several other armed groups pose a direct threat to civilians, especially those from minority religious communities*”; Global Centre for the Responsibility to Protect, *Syria, R2P Monitor*, Issue 34, 15 July 2017, <http://bit.ly/2gMvR94>, p. 3. For example, on 18 May 2017, ISIS fighters reportedly raided the Government-controlled and predominantly Ismaili village of Aqarib (Hama Governorate). At least 52 civilians, including seven women and 12 children, were reportedly killed and 100 wounded. Many reportedly died in the crossfire as they attempted to flee, while several were shot or had their throats cut; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 8 August 2017, <http://www.refworld.org/docid/59b24fe14.html>, paras. 44-45; UN Security Council, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015) and 2332 (2016)*, 23 June 2017, <http://www.refworld.org/docid/595640f74.html>, p. 16. In May 2016, Jabhat Al-Nusra, Al-Tawhid Brigades and Ahrar Al-Sham reportedly took over the predominantly Alawite town of Al-Zara (Hama Governorate), during which civilians, including children, were abducted while others were injured; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 11 August 2016, <http://www.refworld.org/docid/57d015fd4.html>, para. 115; The National, *Al Qaeda and Allies Kill 19 Residents in Syrian Alawite Village*, 14 May 2016, <http://bit.ly/2lOu3hk>. According to SOHR, the attack was a part of an assault in “*revenge for Aleppo*”, where fighting between government and anti-government armed forces had escalated; Reuters, *Rebels Seize Alawite Village in Syria, Abduct Civilians: Observatory*, 12 May 2016, <http://reut.rs/1OoRx0l>. Earlier incidents were reported from other minority locations (Alawite, Shi’ite, Ismaili, Druze, Christian) that were (temporarily) taken by various anti-government armed groups in the Governorates of Deir Ez-Zour, Dera’a, Hama, Homs, Lattakia, Hassakeh and Rural Damascus; see successive reports by the *Independent International Commission of Inquiry* at: <http://bit.ly/2la15rZ>. See also, Atlantic Council, *ISIS after Raqqa*, 29 June 2017, <http://bit.ly/2tj3Wzp>; IRIN, *Trapped: How Northwestern Syria Became a Cage for Hundreds of Thousands of Civilians*, 28 March 2017, <http://bit.ly/2oatCPI>.

<sup>309</sup> “*Because of the overlap of political, ethnic, sectarian, and religious motivations for violence, it was difficult to categorize many incidents as being solely based on religious identity*”; US Department of State, *2016 Report on International Religious Freedom – Syria*, 15 August 2017, <http://www.refworld.org/docid/59b7d8393.html>, p. 6. “*Extremist opposition groups targeted Alawite communities on several occasions for their perceived progovernment stance*” (emphasis added); US Department of State, *2016 Country Reports on Human Rights Practices – Syria*, 3 March 2017, <http://www.refworld.org/docid/58ec89bf13.html>, p. 52. “*Some communities have been specifically targeted, with discriminatory intent, on the grounds of their actual or perceived religious and/or ethnic background, by ISIS and Jabhat Al-Nusra. In some attacks, anti-Government armed groups have acted in concert with Jabhat Al-Nusra. In other instances, the motivations for attacks are more complex, resulting from perpetrators conflating a community’s ethnic and/or religious backgrounds and its perceived political loyalties. Where ethnic or religious groups are believed to be supporters of an opposing warring faction, the entire community has been the subject of discrimination and, in some instances, violent attack*”; UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 13 August 2015, A/HRC/30/48, <http://www.refworld.org/docid/55e955344.html>, paras 110-111. See also above “*Persons Supporting, or Perceived to Be Supporting, the Government*” (Section III.A.3) and sources referenced therein.

<sup>310</sup> “*Nonstate actors, including a number of groups designated as terrorist organizations by the United States and other governments, such as ISIS and Jabhat al-Nusra (JAN, also known as al-Nusra Front), targeted Shia, Alawites, Christians, and other religious minorities, as well as other Sunnis, with indiscriminate attacks as well as killings, kidnappings, physical mistreatment, and arrests in the areas of the country under their control. Extremist groups, for example, launched multiple suicide bomb attacks in Latakia Province, aiming their attacks at Alawite Muslims, according to the groups themselves. ISIS killed dozens through public executions, crucifixions, and beheadings of men, women, and children on charges of apostasy, blasphemy, homosexuality, and cursing God*”; US Department of State, *2016 Report on International Religious Freedom – Syria*, 15 August 2017, <http://www.refworld.org/docid/59b7d8393.html>, p. 1. “*In opposition-held areas, freedom of worship also generally prevails, except under extremist Islamist groups*”; Freedom House, *Freedom in the World 2017 – Syria*, 8 June 2017, <http://www.refworld.org/docid/593a522f26.html>. See also below “*Persons Perceived as Contravening Shari’a Law in Areas under the Control or Influence of Extremist Islamist Armed Groups*” (Section III.A.9) and sources referenced therein.

<sup>311</sup> “*Syrian Orthodox Archbishop Yohanna Ibrahim and Greek Orthodox Archbishop Paul Yazigi, kidnapped in April 2013, remained unaccounted for at year’s end. The condition of Jesuit priest Paolo Dall’Oglio, kidnapped by ISIS in July 2013 in Raqqa, remained unknown*”; US Department of State, *2016 Report on International Religious Freedom – Syria*, 15 August 2017, <http://www.refworld.org/docid/59b7d8393.html>, p. 14. See also, USCIRF, *USCIRF Annual Report 2017 – Tier 1: USCIRF-Recommended Countries of Particular Concern (CPC) – Syria*, 26 April 2017, <http://www.refworld.org/docid/59072f4913.html>.

<sup>312</sup> US Department of State, *2016 Report on International Religious Freedom – Syria*, 15 August 2017, <http://www.refworld.org/docid/59b7d8393.html>, p. 2; Freedom House, *Freedom in the World 2017 – Syria*, 8 June 2017, <http://www.refworld.org/docid/593a522f26.html>.



tax for their “protection” as non-Muslim citizens of an Islamic state (“*jiziyah*”), or convert to Islam.<sup>313</sup> ISIS has reportedly forced women and girls of religious minorities into marriages for the purpose of sexual slavery.<sup>314</sup> Members of the Druze religious minority in the Jebel Al-Summaq region (Idlib Governorate) have reportedly been forced to renounce their faith and accept Sunni Islam by Jabhat Fatah Al-Sham.<sup>315</sup> Following an airstrike on a market in Douma (Rural Damascus Governorate) on 30 October 2015, and in order to deter further aerial attacks, Jaysh Al-Islam reportedly used metal cages to hold men and women belonging to the Alawite sect as human shields.<sup>316</sup> The Independent International Commission of Inquiry for Syria estimated in 2017 that up to 275 men, women and children from Adra Al-Omalayah (Rural Damascus Governorate) belonging to religious minority groups, including Alawite, Ismaili, Druze and Christian, remain in captivity of anti-government armed groups following their abduction in December 2013.<sup>317</sup> Shi’ites from the besieged towns of Fu’ah and Kefraya (Idlib Governorate) have reportedly been forcibly displaced as a result of the so-called “Four-Town Agreement” in April 2017.<sup>318</sup>

UNHCR considers that members of religious and minority ethnic groups originating from areas under control of, or areas within reach of, ISIS, Jabhat Fatah Al-Sham and other anti-government armed groups, **are likely to be in need of international refugee protection** on the basis of their religion, their political opinion or imputed political opinion, and/or other relevant grounds, depending on the individual circumstances of the case.

UNHCR considers that members of religious and minority ethnic groups originating from areas other than the above-referenced ones, **may be in need of international refugee protection** on the basis of their

- <sup>313</sup> US Department of State, *2016 Report on International Religious Freedom – Syria*, 15 August 2017, <http://www.refworld.org/docid/59b7d8393.html>, p. 14; Freedom House, *Freedom in the World 2017 – Syria*, 8 June 2017, <http://www.refworld.org/docid/593a522f26.html>; UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 11 February 2016, <http://www.refworld.org/docid/56d6b3843ea.html>, paras 109-111. See also, TRT World, *Christians Flee Syria's Daesh-Held Raqqa*, 10 August 2017, <http://bit.ly/2vBjLn2>; Ara News, *Kurdish-Led Forces Rescue 7 Christians from ISIS in Syria's Raqqa*, 9 August 2017, <http://bit.ly/2fHColm>; Newsweek, *ISIS Is Preventing Christian Families from Leaving Raqqa*, 30 March 2016, <http://bit.ly/2rGS4Ht>.
- <sup>314</sup> “Following the February 2015 ISIS incursion into Assyrian villages in the northeastern province of al-Hasaka, it captured as many as 30 Assyrian Christian women and forced them into sexual slavery”; US Department of State, *2017 Trafficking in Persons Report – Syria*, 27 June 2017, <http://www.refworld.org/docid/5959ec46c.html>. “ISIS continues to hold women and girls from the Iraqi Yazidi community and other minority groups in sexual slavery in the Syrian Arab Republic on the basis of their ethnic and religious identity. Women and girls from targeted minorities have been sold, traded, gifted to fighters, trafficked and held for ransom”; UN Security Council, *Report of the Secretary-General on Conflict-Related Sexual Violence*, 20 April 2016, <http://www.refworld.org/docid/5731a0d24.html>, para. 69. See also “Women and Girls with Certain Profiles or in Specific Circumstances” (Section III.A.10) and sources referenced therein.
- <sup>315</sup> In February 2015, Jabhat Fatah Al-Sham (then known as Jabhat Al-Nusra) reportedly released a statement ordering members of the Druze community in Idlib Governorate to convert to Islam, forcing women to dress in accordance with the group’s interpretation of Islamic law, and teaching a Salafi-jihadi interpretation of Islam to Druze children. Druze holy sites such as tombs were reportedly targeted for destruction. In June 2015, at least 20 Druze villagers were reportedly killed in a confrontation with Jabhat Fatah Al-Sham. In September 2016, Jabhat Fatah Al-Sham reportedly issued another statement reminding the Druze community to comply with strict Islamic rules; US Department of State, *2016 Report on International Religious Freedom – Syria*, 15 August 2017, <http://www.refworld.org/docid/59b7d8393.html>, p. 13; Syria Comment (Blog), *Hay'at Tahrir al-Sham and Civil Society in Jabal al-Summaq*, 4 March 2017, <http://bit.ly/2uKKY5g>; BBC, *Syria's Druze under Threat as Conflict Spreads*, 19 June 2015, <http://bbc.in/2rXK0Vj>; Syria Comment (Blog), *The Massacre of Druze Villagers in Qalb Lawza, Idlib Province*, 15 June 2015, <http://bit.ly/2rtNzSC>; Syria Direct, *Idlib Druze Agree to Forced Conversion, Destroyed Shrines under Nusra Rule*, 17 March 2015, <http://bit.ly/2qFkeW3>.
- <sup>316</sup> UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 11 February 2016, <http://www.refworld.org/docid/56d6b3843ea.html>, para. 105; HRW, *Syria: Armed Groups Use Caged Hostages to Deter Attacks*, 2 November 2015, <http://www.refworld.org/docid/563893884.html>.
- <sup>317</sup> UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 8 August 2017, <http://www.refworld.org/docid/59b24fe14.html>, paras 46-48; UN Human Rights Council, *Human Rights Abuses and International Humanitarian Law Violations, 21 July 2016 - 28 February 2017*, 10 March 2017, <http://www.refworld.org/docid/58c80d884.html>, para. 70.
- <sup>318</sup> Following an attack on the evacuation convoy in Aleppo, several evacuees, including at least one child, were reportedly abducted by anti-government armed groups after receiving medical treatment; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 8 August 2017, <http://www.refworld.org/docid/59b24fe14.html>, para. 42. On the evacuation, see also above “Violations and Abuses of Human Rights Law and Violations of International Humanitarian Law – Anti-Government Armed Groups, Including Jabhat Fatah Al-Sham” (Section II.C.3) and sources referenced therein.

religion, their political opinion or imputed political opinion, and/or other relevant grounds, depending on the individual circumstances of the case.

Regarding the situation of Sunnis, who may be perceived as opposing the government, see Section III.A.1.

#### **9) Persons Perceived as Contravening Shari'a Law in Areas under the Control or Influence of Extremist Islamist Armed Groups**

In areas under *de facto* control of hardline Sunni Islamist armed groups, including ISIS and Jabhat Fatah Al-Sham, individuals who do not share these groups' strict interpretations of religion and Islamic law are reportedly subjected to serious human rights abuses. Those who are reportedly particularly affected include women,<sup>319</sup> persons of diverse sexual orientations and/or gender identities,<sup>320</sup> and members of religious minority groups.<sup>321</sup> In areas under its control, ISIS reportedly imposes strict regulations in relation to people's dress, behaviour and social interactions, banning activities deemed "un-Islamic" such as playing or listening to music, smoking, possessing alcohol, trading during prayer times, having tattoos, and not fasting during Ramadan.<sup>322</sup> Civilians perceived to contravene the group's strict interpretation of Islamic principles, norms and values are reportedly subjected to abduction, deprivation of liberty, physical punishment including mutilation, and execution, often following a verdict issued by an irregularly constituted "court" after a "trial" falling short of international due process standards.<sup>323</sup> Reports further

<sup>319</sup> "Jabhat al-Nusra and Da'esh insisted that women follow a strict dress code that mandated wide cloaks and headscarves and that prohibited jeans, close-fitting clothing, and cosmetics. (...) In areas under its control, Da'esh published a "Civilization Document" with 16 points that a woman must follow or face the death penalty. They included staying at home and not leaving it without an immediate male relative (mahram); wearing a wide cloak, full face veil, and headscarf; closing hair salons; not sitting on chairs in public; and not seeing male doctors. Da'esh established the 'al-Khansaa' brigade, an all-female police force established in the city of Raqqa, composed mostly of noncitizen women who enforced these regulations, sometimes violently, among women"; US Department of State, 2016 Country Reports on Human Rights Practices – Syria, 3 March 2017, <http://www.refworld.org/docid/58ec89bf13.html>, p. 48. "Women and girls continued to be particularly affected by radical religious laws implemented by armed groups including, but not limited to, ISIL in areas under their control. That included the public humiliation of women not abiding by radical dress codes and restrictions on their freedom of movement, association and expression. Women deemed to have violated such rules were frequently subject to inhuman and degrading treatment"; UN General Assembly, Situation of Human Rights, 9 June 2016, <http://www.refworld.org/docid/576a33aa4.html>, para. 45. See also, US Department of State, 2016 Report on International Religious Freedom – Syria, 15 August 2017, <http://www.refworld.org/docid/59b7d8393.html>, pp. 11, 12, 15; UN Human Rights Council, Human Rights Abuses and International Humanitarian Law Violations, 21 July 2016 - 28 February 2017, 10 March 2017, <http://www.refworld.org/docid/58c80d884.html>, paras 77-81. See also below "Women and Girls with Certain Profiles or in Specific Circumstances" (Section III.A.10) and sources referenced therein.

<sup>320</sup> See below "Persons of Diverse Sexual Orientations and/or Gender Identities" (Section III.A.12) and sources referenced therein.

<sup>321</sup> See above "Members of Religious and Minority Ethnic Groups" (Section III.A.8) and sources referenced therein.

<sup>322</sup> "ISIL publicly lashes and amputates civilians and fighters for infractions of the terrorist group's regulations. Men and boys are lashed in a public square in Raqqa city for smoking cigarettes and for trading during prayer times. Women suffer lashings for not been adequately covered. Men and women are lashed for being in the company of members of the opposite sex from outside their families"; UN Human Rights Council, Report of the Independent International Commission of Inquiry, 11 August 2016, <http://www.refworld.org/docid/57d015fd4.html>. See also, US Department of State, 2016 Report on International Religious Freedom – Syria, 15 August 2017, <http://www.refworld.org/docid/59b7d8393.html>, pp. 11, 12; US Department of State, 2016 Country Reports on Human Rights Practices – Syria, 3 March 2017, <http://www.refworld.org/docid/58ec89bf13.html>, pp. 14, 24, 48, 49; UN General Assembly, Situation of Human Rights, 9 June 2016, <http://www.refworld.org/docid/576a33aa4.html>, para. 26.

<sup>323</sup> Men, women and children have reportedly been punished for "un-Islamic" behaviour or activities such as illegitimate relations with members of the other sex, same-sex sexual acts, blasphemy, practising sorcery, and violations of Islamic dress codes." In September [2017], OHCHR received reports that an 18-year-old man in Kafruma town, south of Idlib, convicted for blasphemy was sentenced to death by a Hay'at Tahrir Al-Sham-run court in Ma'arrat An Nu'man. Following a number of protests in Ma'arrat An Nu'man and Kafr Nobol, the execution was halted and sentence reduced to eight months' incarceration. OHCHR received reports that during his time in custody he may have been subjected to cruel treatment and possibly torture"; OHCHR, Syria: Monthly Human Rights Digest – September 2017, 6 October 2017, <http://www.refworld.org/docid/59db24594.html>, p. 5. "Between 9 and 12 July [2017], Jaish Khalid ibn al-Walid fighters in Shajarah [Dera'a Governorate] reportedly killed a 21-year-old civilian man from Tasil and a 52-year-old civilian man from Saham al-Jawlan, accusing them of 'blasphemy.' Both men were held for several days by the group's 'Hisbah' religious police force before being killed"; UN Security Council, Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015) and 2332 (2016), 24 August 2017, S/2017/733, <http://www.refworld.org/docid/59aebbad4.html>, p. 16. "Throughout the reporting period, ISIL continued to carry out executions and to impose severe corporal punishments against those perceived to violate its strict religious rules, with the harshest punishment, the death penalty, given to women accused of adultery and men accused of sodomy"; UN Human Rights Council, Human Rights Abuses and International Humanitarian Law Violations, 21 July 2016 - 28 February 2017, 10 March 2017, <http://www.refworld.org/docid/58c80d884.html>, para. 77. See also, US Department of State, 2016 Report on International Religious

suggest that fathers, brothers and husbands are held responsible and punished for alleged infractions on the part of their female relatives.<sup>324</sup>

Other extremist Islamist armed groups, including Jabhat Fatah Al-Sham, have reportedly in some cases also implemented punishments, including execution, for perceived infringements of their strict interpretations of Islam and Islamic law.<sup>325</sup>

UNHCR considers that persons perceived as contravening *Shari'a* Law in areas under the control or influence of extremist Islamist armed groups, **are likely to be in need of international refugee protection** on the basis of their political opinion or imputed political opinion, their religion, and/or other relevant grounds, depending on the individual circumstances of the case.

### 10) Women and Girls with Certain Profiles or in Specific Circumstances

The situation of women is severely affected by the ongoing conflict as they are increasingly exposed to a range of human rights violations by different parties to the conflict on the basis of their gender.<sup>326</sup> Women have reportedly been targeted for arbitrary arrest, *incommunicado* detention, abduction, torture and sexual violence as well as execution<sup>327</sup> for their real or perceived support for or affiliation with a party to the conflict, including on account of their own political views or activities,<sup>328</sup> their family links,<sup>329</sup> religious or

*Freedom – Syria*, 15 August 2017, <http://www.refworld.org/docid/59b7d8393.html>, p. 13; Amnesty International, *2016/17 – Syria*, 22 February 2017, <http://www.refworld.org/docid/58b033aba.html>.

<sup>324</sup> US Department of State, *2016 Report on International Religious Freedom – Syria*, 15 August 2017, <http://www.refworld.org/docid/59b7d8393.html>, p. 15; US Department of State, *2016 Country Reports on Human Rights Practices – Syria*, 3 March 2017, <http://www.refworld.org/docid/58ec89bf13.html>, p. 14; The New York Times, *For Women under ISIS, a Tyranny of Dress Code and Punishment*, 12 December 2016, <https://nyti.ms/2k37DEc>.

<sup>325</sup> “The terrorist group Jabhat Fatah al-Sham continued to carry out summary executions including stoning of women accused of extramarital relations”; UN Human Rights Council, *Human Rights Abuses and International Humanitarian Law Violations, 21 July 2016 - 28 February 2017*, 10 March 2017, <http://www.refworld.org/docid/58c80d884.html>, paras 73, 109. See also, US Department of State, *2016 Report on International Religious Freedom – Syria*, 15 August 2017, <http://www.refworld.org/docid/59b7d8393.html>, p. 13; Syria Direct, *Hardline Islamists to Ban Smoking, the ‘One Way to Relieve the Stress’ in Idlib City*, 10 August 2017, <http://bit.ly/2w6auWo>; ABC, *Fears of ‘Catastrophe’ for Millions Trapped in Syria’s Idlib*, 15 May 2017, <http://ab.co/2r88tH8>; US Department of State, *2016 Country Reports on Human Rights Practices – Syria*, 3 March 2017, <http://www.refworld.org/docid/58ec89bf13.html>, pp. 17, 48; The Independent, *A Syrian Schoolgirl Arrested by Religious Police for ‘Inappropriate Clothing’ Was Freed after Protests by Her Classmates*, 16 February 2017, <http://ind.pn/2kWcq8>; Amnesty International, *Abductions, Torture and Summary Killings Under Armed Group Rule in Aleppo and Idlib, Syria*, 5 July 2016, <http://www.refworld.org/docid/577b81f84.html>, pp. 28-29.

<sup>326</sup> “Women and girls in Syria, and those fleeing the Syrian conflict as refugees, suffer multiple human rights violations. Some violations pre-date and are exacerbated by the ongoing conflict, while others are a product of the conflict”; Human Rights and Gender Justice (HRGJ) Clinic, MADRE, WILPF, *Human Rights Violations Against Women and Girls in Syria*, 25 July 2016, <http://bit.ly/2iHSlAV>, p. 1. See also, Syria Deeply, *In Syria, Women Are Imprisoned by All Sides*, 4 October 2017, <http://bit.ly/2y4VUxm>.

<sup>327</sup> See above “Violations and Abuses of Human Rights and Violations of International Humanitarian Law” (Section II.C) and sources referenced therein.

<sup>328</sup> “Security forces have been targeting [for sexual violence] **women perceived as supporting the revolution**, whether they have or not in fact, and whose male relatives have been involved in anti-government activities.” (...) The regime security forces undoubtedly have been targeting women **based on their political affiliation, whether proven or suspected**. Women have been arrested merely for having a picture of the revolution flag on their phones, for participating in demonstrations, or for being involved in opposition activities as associated with aid relief, medical support, journalism, and similar” (emphasis added); LSE, *Rape as a Tactic of the Assad Regime*, March 2017, <http://bit.ly/2wIR5LU>, p. 3. “Despite the fact that women have not directly participated in military operations and that their participation in the civil movement was limited to civil and relief activities and expressing political opinions, the regime has persistently accused women activists of being terrorists to justify their arbitrary detention and enforced disappearance”; WILPF, *Violations Against Women in Syria*, November 2016, <http://bit.ly/2dweuXf>, pp. 13-14. “Lawyers, political activists and humanitarian workers, both men and women, have also faced **reprisal attacks from armed groups on account of their activities, perceived religious beliefs and political opinions**” (emphasis added); Amnesty International, *Abductions, Torture and Summary Killings Under Armed Group Rule in Aleppo and Idlib, Syria*, 5 July 2016, <http://www.refworld.org/docid/577b81f84.html>, p. 18; “The large majority [of prisoners in the women’s section of Adra central prison, in Damascus] were reportedly **being held for participation in anti-government protests over the past years**” (emphasis added); UN General Assembly, *Situation of Human Rights*, 9 June 2016, <http://www.refworld.org/docid/576a33aa4.html>, para. 24. See also, Syria Deeply, *In Syria, Women Are Imprisoned by All Sides*, 4 October 2017, <http://bit.ly/2y4VUxm>; Lawyers and Doctors for Human Rights, *Voices from the Dark: Torture and Sexual Violence Against Women in Assad’s Detention Centres*, July 2017, <http://bit.ly/2iH5Be> (hereafter: Lawyers and Doctors for Human Rights, *Torture and Sexual Violence Against Women*, July 2017, <http://bit.ly/2iH5Be>), pp. 10, 11, 26.

<sup>329</sup> “Syrian regime forces carried out a raid and arrest campaign in the neighborhoods of Homs city, where a number of doctors, engineers, and **women who are related to fighters in armed opposition factions were arrested**” (emphasis added); SNHR, *No less than 557 Cases of*

ethnic identity,<sup>330</sup> or their place of residency or origin.<sup>331</sup> Both government and anti-government armed groups are reported to have used women as bargaining chips in hostage exchanges.<sup>332</sup>

Women and girls reportedly also face specific forms or manifestations of persecution. According to reports, sexual violence has been systematically used throughout the conflict, including as a weapon of war.<sup>333</sup> The occurrence of other forms of gender-based violence (GBV), including domestic violence,<sup>334</sup> “honour

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Arbitrary Arrest in September, 4 October 2017, <http://bit.ly/2yuuW5j>, p. 4. “(...) the Syrian Government deliberately arrests women, knowing that this will bring shame to the entire family in a patriarchal society that confines honour to the bodies of women”; WILPF, *Violations Against Women in Syria*, November 2016, <http://bit.ly/2dweuXf>, p. 10. See also Syria Deeply, *In Syria, Women Are Imprisoned by All Sides*, 4 October 2017, <http://bit.ly/2y4VUxm>; Lawyers and Doctors for Human Rights, *Torture and Sexual Violence Against Women*, July 2017, <http://bit.ly/2iIh5Be>, pp. 10, 11, 25; LSE, *Rape as a Tactic of the Assad Regime*, March 2017, <http://bit.ly/2wIR5LU>, p. 8 and above “*Persons Opposing, or Perceived to Be Opposing, the Government*” (Section III.A.1) and sources referenced therein.

<sup>330</sup> See above “*Members of Religious and Minority Ethnic Groups*” (Section III.A.8) and sources referenced therein.

<sup>331</sup> “*Many aid workers and journalists recounted cases of sexual abuses or rape at checkpoints across the country, targeting women because of assumed support for the opposition or because of the area they lived in*”; LSE, *Rape as a Tactic of the Assad Regime*, March 2017, <http://bit.ly/2wIR5LU>, p. 7. “(...) some women are harassed at government military checkpoints only because they happen to be relatives of wanted persons or at checkpoints **only because they belong to rebelling regions**” (emphasis added); WILPF, *Violations Against Women in Syria*, November 2016, <http://bit.ly/2dweuXf>, p. 13. See also above “*Persons Opposing, or Perceived to Be Opposing, the Government*” (Section III.A.1) and “*Persons Supporting, or Perceived to Be Supporting, the Government*” (Section III.A.3) and sources referenced therein.

<sup>332</sup> For example, “*al-Qaida-linked Hayat Tahrir al-Sham (HTS) said through its Ibaa' news agency that it had secured the release of 104 prisoners, among them 24 women, from government jails*”; Al Jazeera, *Syrian Government Doubles Territory under Its Control*, 13 August 2017, <http://bit.ly/2wLBKXZ>. See also above footnotes 205 and 262.

<sup>333</sup> “*Sexual violence continues to be used by parties to the Syrian conflict as a systematic tactic of warfare, terrorism and torture. Women and girls have been most vulnerable in the context of house searches, at checkpoints, in detention facilities, after kidnapping by pro-Government forces, and at border crossings (...)*”; UN Security Council, *Report of the Secretary-General on Conflict-Related Sexual Violence*, 15 April 2017, S/2017/249, <http://www.refworld.org/docid/5912d5b74.html> (hereafter: UN Security Council, *Report of the Secretary-General on Conflict-Related Sexual Violence*, 15 April 2017, <http://www.refworld.org/docid/5912d5b74.html>), para. 69. The same report includes a list of parties in Syria, which are “*credibly suspected of committing or being responsible for patterns of rape or other forms of sexual violence in situations of armed conflict*”. Non-State actors on this list are: ISIS, HTS, Army of Islam, Ahrar al-Sham; Pro-Government forces, including the NDF. State actors on this list are: Syrian Armed Forces, Intelligence services. “*Due to patriarchal norms, victims [of rape and other forms of sexual violence] can be subjected to honor killings by their families, or pressured by their families to marry the rapist*”; HRGJ Clinic, MADRE, WILPF, *Human Rights Violations Against Women and Girls in Syria*, 25 July 2016, <http://bit.ly/2iHSlAV>, p. 1. Other survivors have reportedly committed or attempted to commit suicide; LSE, *Rape as a Tactic of the Assad Regime*, March 2017, <http://bit.ly/2wIR5LU>, pp. 6, 10. See also, Syria Deeply, *Rape: A Weapon of War With Long-Term Consequences*, 5 September 2017, <http://bit.ly/2w7MzSM>; Lawyers and Doctors for Human Rights, *Torture and Sexual Violence Against Women*, July 2017, <http://bit.ly/2iIh5Be>; WILPF, *Violations Against Women in Syria*, November 2016, <http://bit.ly/2dweuXf>, pp. 7, 20; Syria Direct, *Syria's Detained Women Face Stigma, Rejection: 'My Suffering Began after I Got Out'*, 5 April 2016, <http://bit.ly/2qnKgva>.

<sup>334</sup> Syrian applicable laws do not specifically prohibit domestic violence. The definition of rape as included in Article 489 of the Penal Code (Law 148/1949, as amended) specifically excludes marital rape while Article 548 provides for reduced sentences for perpetrators of “honour crimes”. Already prior to the conflict, violence against women in the domestic sphere was reported to be extensive and widely tolerated; UNIFEM, *Violence Against Women Study – Syria 2005*, 2005, <http://bit.ly/2rb4Dgh>. Since 2011, domestic violence has been reported to be widespread: “(...) violence against women was extensive and generally went unpunished”; US Department of State, *2016 Country Reports on Human Rights Practices – Syria*, 3 March 2017, <http://www.refworld.org/docid/58ec89bf13.html>, p. 44. See also, Freedom House, *Freedom in the World 2017 – Syria*, 8 June 2017, <http://www.refworld.org/docid/593a522f26.html>. The 2017 Protection Needs Overview identified domestic violence as a key protection concern across the country (71 per cent of assessed sub-districts): “*Women who identified themselves as survivors of domestic violence discussed how the sustained psychological toll of the conflict was eroding men's capacity to control their anger; the threshold at which they resorted to violence was therefore getting lower. Male violence also appeared to have been normalized, widely discussed by men and women alike as an 'understandable' consequence of the psychological effects of living in areas of high insecurity. Moreover, whilst men have traditionally been the family breadwinner within the Syrian context, high unemployment and rising living costs have made basic needs provision increasingly difficult. The stress associated with failing to fulfil the role of household provider was explained as another major reason for domestic violence*”; Protection Sector, *Whole of Syria 2017 Protection Needs Overview*, October 2016, <http://bit.ly/2pQJ9BB>, p. 35. The proliferation of small arms has been reported to further aggravate the risks associate with domestic violence; WILPF, *Violations Against Women in Syria*, November 2016, <http://bit.ly/2dweuXf>, p. 17; Syria Deeply, *Syrian Women Recount Domestic Abuse During Civil War*, 30 April 2015, <http://bit.ly/2pK529z>.

crimes”,<sup>335</sup> early<sup>336</sup> and forced marriages,<sup>337</sup> as well as trafficking for the purpose of sexual exploitation and forced prostitution,<sup>338</sup> is reportedly widespread and has “normalized” after years of conflict.<sup>339</sup> Women survivors of sexual and gender-based violence (SGBV) reportedly suffer deep levels of trauma, which is often compounded by experiences of rejection and stigma by members of their families and community.<sup>340</sup> Divorced women and widows reportedly face societal stigmatization and legal discrimination.<sup>341</sup>

<sup>335</sup> The law permits judges to reduce sentences for murder and assault if the defendant asserts an “honour” defence (Articles 192, 242 and 548 of the Penal Code). According to reports, there has been a significant rise in “honour” killings. In particular, women who had been subjected to sexual violence by government forces or ISIS (or are suspected as such) reportedly face the risk of being killed by their families for reasons of “honour”. “*The widespread use of rape as a weapon of war by armed forces leaves many Syrian women and girls vulnerable in a society that condones honor killings of women who are raped or even suspected of being raped. While official statistics are unavailable, multiple anecdotal accounts indicate an increase in ‘honor’ crimes as a result of conflict-related sexual violence*”; HRGJ Clinic, MADRE, WILPF, *Human Rights Violations Against Women and Girls in Syria*, 25 July 2016, <http://bit.ly/2iHSLaV>, p. 3. See also, US Department of State, *2016 Country Reports on Human Rights Practices – Syria*, 3 March 2017, <http://www.refworld.org/docid/58ec89bf13.html>, p. 45.

<sup>336</sup> The legal age of marriage is 18 for boys and 17 for girls. However, marriages performed by religious leaders are permitted from the age of 13 for girls and 15 for boys, if they are considered willing parties to the marriage, physically mature, and if the child’s father or grandfather consents (Articles 16 and 18 of the Personal Status Law, Law. No. 59 of 1953). Since the onset of the conflict, reports indicate that the practice of early marriage has been on the rise among Syrian girls, particularly among those displaced, due to general insecurity, the threat of sexual violence, and lack of livelihood opportunities. According to the 2018 Protection Needs Overview, “*child marriage has evolved from a cultural practice to a coping mechanism in the crisis*”; Protection Cluster, *2018 Protection Needs Overview*, 12 October 2017, <http://bit.ly/2z5XPof>, p. 74. See also, Syria Deeply, *The Link Between Suicide Among Girls in Rural Idlib and Underage Marriages*, 28 July 2017, <http://bit.ly/2uLYubk>; Freedom House, *Freedom in the World 2017 – Syria*, 8 June 2017, <http://www.refworld.org/docid/593a522f26.html>; Save the Children, *The Impact of Six Years of War on the Mental Health of Syria’s Children*, 6 March 2017, <http://bit.ly/2mzCCwJ>, p. 10; HRGJ Clinic, MADRE, WILPF, *Human Rights Violations Against Women and Girls in Syria*, 25 July 2016, <http://bit.ly/2iHSLaV>, p. 4; UN Security Council, *Report of the Secretary-General on Conflict-Related Sexual Violence*, 20 April 2016, <http://www.refworld.org/docid/5731a0d24.html>, para. 70.

<sup>337</sup> Many marriages are arranged and girls and women may face pressure from their families to agree to a marriage for financial or social reasons; HRGJ Clinic, MADRE, WILPF, *Human Rights Violations Against Women and Girls in Syria*, 25 July 2016, <http://bit.ly/2iHSLaV>, pp. 3-4. “*Marriage customs in Syria essentially make all marriages arranged marriages, insofar as the bride has no legal voice in them: The marriage contract is signed by the groom and the bride’s male guardian*”; Robert E. Emery (editor), *Cultural Sociology of Divorce: An Encyclopedia*, 2013, p. 1181.

<sup>338</sup> Freedom House, *Freedom in the World 2017 – Syria*, 8 June 2017, <http://www.refworld.org/docid/593a522f26.html>; WILPF, *Violations Against Women in Syria*, November 2016, <http://bit.ly/2dweuXf>, p. 8. See also, The Guardian, *Dozens of Syrians Forced into Sexual Slavery in Derelict Lebanese House*, 30 April 2016, <http://bit.ly/2h0RWMK>.

<sup>339</sup> “*The length of the crisis, in conjunction with the deep-rooted patriarchal structures underpinning Syrian society, are normalising this [sexual and gender-based] violence, with women’s rights continuing to be eroded*”; Protection Cluster, *2018 Protection Needs Overview*, 12 October 2017, <http://bit.ly/2z5XPof>, p. 74. “*GBV pervades the lives of women and girls. The length of the crisis, in conjunction with the deep-rooted patriarchal structures underpinning Syrian society, are normalising this violence*”; OCHA, *2017 Humanitarian Needs Overview*, 1 December 2016, <http://bit.ly/2kCi16M>, p. 30. See also, Syria Deeply, *Rape: A Weapon of War with Long-Term Consequences*, 5 September 2017, <http://bit.ly/2w7MzSM>.

<sup>340</sup> “*Given social norms around honour and shame, the stigma associated with sexual violence causes acute humiliation to survivors, their families and communities. The parents or husbands of survivors often reject them in the wake of rape or because they assume that women and girls were raped while in detention*”; UN Security Council, *Report of the Secretary-General on Conflict-Related Sexual Violence*, 15 April 2017, <http://www.refworld.org/docid/5912d5b74.html>, para. 69. “*Sexual abuse of a woman brings shame to the family and to the entire community. Many former detainees – whether raped or not were rejected by their families. The protracted conflict, stigma, lack of access to survivors and fear of retaliation explain why this aspect of the repression has been largely under-reported*”; LSE, *Rape as a Tactic of the Assad Regime*, March 2017, <http://bit.ly/2wiR5LU>, p. 1. See also, Syria Deeply, *In Syria, Women Are Imprisoned by All Sides*, 4 October 2017, <http://bit.ly/2y4VUxm>; Syria Deeply, *Rape: A Weapon of War With Long-Term Consequences*, 5 September 2017, <http://bit.ly/2w7MzSM>; Lawyers and Doctors for Human Rights, *Torture and Sexual Violence Against Women*, July 2017, <http://bit.ly/2iIh5Be>, pp. 4, 22, 23, 25, 34; Syria Deeply, *Shamed and Abandoned: The Fate of Syria’s Female Ex-Inmates*, 22 December 2016, <http://bit.ly/2wnA07m>; Syria Direct, *Syria’s Detained Women Face Stigma, Rejection: ‘My Suffering Began after I Got Out’*, 5 April 2016, <http://bit.ly/1WbEVAi>.

<sup>341</sup> “*(...) the enforced disappearance of adult male relatives has an acute impact. Many of the women interviewed have no means of supporting themselves, and have to rely on men in their extended families. With husbands and fathers missing for years, and without confirmation of death, female family members are left in a legal limbo, unable to sell or inherit property, or to remarry*”; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 11 August 2016, <http://www.refworld.org/docid/57d015fd4.html>, para. 85. See also, Syria Deeply, *The Link Between Suicide Among Girls in Rural Idlib and Underage Marriages*, 28 July 2017, <http://bit.ly/2uLYubk>; OCHA, *2017 Humanitarian Needs Overview*, 1 December 2016, <http://bit.ly/2kCi16M>, p. 30; Robert E. Emery (editor), *Cultural Sociology of Divorce: An Encyclopedia*, 2013, p. 1181. Women are reported to often stay in abusive relationships for fear of economic destitution and/or stigma, should they seek a divorce; Syria Deeply, *Syrian Women Recount Domestic Abuse During Civil War*, 30 April 2015, <http://bit.ly/2pK529z>; Your Middle East, *Syrian Women Fear Abuse During Marriage – but Divorce Frightens as much*, 25 January 2015, <http://bit.ly/2qQHfot>.

Discriminatory rules imposed by mainly ISIS and Jabhat Fatah Al-Sham on women and girls are reported to severely restrict their participation in public life and negatively affect their freedom of movement and access to employment, education and health.<sup>342</sup> ISIS fighters have reportedly forcibly married women and girls for the purpose of sexual slavery,<sup>343</sup> sometimes forcing them into successive marriages.<sup>344</sup> In some instances, foreign fighters are reported to have forced women to undergo Female Genital Mutilation (FGM).<sup>345</sup>

It is reported that an increasing number of women and girls are becoming the primary or sole caretakers for their families due to their male family members' injury or disability, detention, disappearance, death, participation in the conflict or inability to move for fear of arrest, detention or summary execution at checkpoints.<sup>346</sup> These women and girls are reported to face specific hardships in pursuing livelihood opportunities and caring for their families amidst increased risk of targeted and indiscriminate violence, abuse, exploitation and legal discrimination.<sup>347</sup> Women and girls are also reported to face a significant risk of sexual violence and exploitation in IDP camps.<sup>348</sup>

<sup>342</sup> “Women and girls continued to be particularly affected by radical religious laws implemented by armed groups including, but not limited to, ISIL in areas under their control. That included the public humiliation of women not abiding by radical dress codes and restrictions on their freedom of movement, association and expression. Women deemed to have violated such rules were frequently subject to inhuman and degrading treatment”; UN General Assembly, *Situation of Human Rights*, 9 June 2016, <http://www.refworld.org/docid/576a33aa4.html>, para. 45. “In areas controlled by ISIS, Syrian women and girls continue to live under almost unbearable restrictions, their access to education, work and freedom of movement severely curtailed or completely denied. Rigidly defined gender forces [sic], harshly enforced, have removed women and girls from public life, limiting their ability to contribute to their community beyond the accepted roles of wife and mother”; UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 11 February 2016, <http://www.refworld.org/docid/56d6b3843ea.html>, para. 102. See also, UN Security Council, *Report of the Secretary-General on Conflict-Related Sexual Violence*, 15 April 2017, <http://www.refworld.org/docid/5912d5b74.html>, para. 69; US Department of State, *2016 Country Reports on Human Rights Practices – Syria*, 3 March 2017, <http://www.refworld.org/docid/58ec89bf13.html>, pp. 32, 36, 47-48; OCHA, *2017 Humanitarian Needs Overview*, 1 December 2016, <http://bit.ly/2kCi16M>, p. 30.

<sup>343</sup> “ISIS continues to force local Syrian girls and women in ISIS-controlled areas into marriages with its fighters, and it routinely subjects women and girls from minority groups to forced marriage, domestic servitude, systematic rape, and sexual violence”; US Department of State, *2017 Trafficking in Persons Report - Syria*, 27 June 2017, <http://www.refworld.org/docid/5959ec46c.html>. See also, UN Secretary-General, *Children and Armed Conflict* 24 August 2017, <http://www.refworld.org/docid/59db4a194.html>, para. 179; UN Security Council, *Report of the Secretary-General on Conflict-Related Sexual Violence*, 15 April 2017, <http://www.refworld.org/docid/5912d5b74.html>, para. 69; US Department of State, *2016 Country Reports on Human Rights Practices – Syria*, 3 March 2017, <http://www.refworld.org/docid/58ec89bf13.html>, pp. 4, 23, 48, 55; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 11 August 2016, <http://www.refworld.org/docid/57d015fd4.html>, para. 109. See also “Members of Religious and Minority Ethnic Groups” (Section III.A.8) and sources referenced therein.

<sup>344</sup> “GBV experts noted that women may be married to ‘fighters’ for as little as a few hours, before being ‘re-married’ again”; Protection Sector, *Whole of Syria 2017 Protection Needs Overview*, October 2016, <http://bit.ly/2pQJ9BB>, p. 36.

<sup>345</sup> Protection Sector, *Whole of Syria 2017 Protection Needs Overview*, October 2016, <http://bit.ly/2pQJ9BB>, p. 35.

<sup>346</sup> “Household-level gender roles are changing with women adopting roles more traditionally associated with men, such as paid labour and heading households, resulting in both empowerment of women, but also increased risks of violence against women and girls”; OCHA, *2017 Humanitarian Needs Overview: Syrian Arab Republic*, 1 December 2016, <http://bit.ly/2kCi16M>, p. 30. “In areas not controlled by ISIS, gender roles have shifted. Owing to the absence of men from the familial home because of their involvement in fighting, or of having been killed or disappeared, women are increasingly the head of their households”; UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 11 February 2016, <http://www.refworld.org/docid/56d6b3843ea.html>, para. 103. See also, Syria Direct, *Women Take on a more Public Role in Suwayda as Men Stream Out of Province*, 26 September 2017, <http://bit.ly/2y5qlWb>; CARE, *Women, Work & War: Syrian Women and the Struggle to Survive Five Years of Conflict*, 15 March 2016, <http://bit.ly/2mbfNLS>, pp. 14-16; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 13 August 2015, A/HRC/30/48, <http://www.refworld.org/docid/55e955344.html>, para. 65.

<sup>347</sup> “While most victims of arbitrary detention and disappearance are males, a great impact fell on women who lost the family breadwinners. They had to work to support their families and afford the cost of searching for their detained family members, including legal costs. They were also subjected to sexual exploitation at times, by gate-keepers or security officers offering to ‘help’”; WILPF, *Violations Against Women in Syria*, November 2016, <http://bit.ly/2dweuXf>, p. 11. “In Syria, in areas of active conflict, the main risks to women’s livelihoods outside the house – and any activity in the public sphere – is widespread and indiscriminate violence such as aerial bombing and shelling. Women living in hard-to-reach or besieged areas or close to the front lines are also at risk of being arrested, exposed to harassment and sexual violence at checkpoints, targeted by snipers or accused of collaborating with the enemy when they cross checkpoints and front lines to obtain essential supplies or to participate in humanitarian activities”; CARE, *Women, Work & War: Syrian Women and the Struggle to Survive Five Years of Conflict*, 15 March 2016, <http://bit.ly/2mbfNLS>, p. 28; see also pp. 16, 17, 22-23 of the same report.

<sup>348</sup> “Displacement and living in camps are noted as being particularly unsafe environments for women and girls and places where the risks for sexual violence were high. Reasons given were a lack of privacy (in tents, or in latrines), overcrowding and mix of people who do not know

UNHCR considers that women falling in the following categories **are likely to be in need of international refugee protection** on the grounds of their membership of the particular social group defined as “women in Syria”, their religion, their political opinion or imputed political opinion, or a combination of these and other relevant grounds, depending on the individual circumstances of the case:

- a) Survivors and those at risk of sexual violence;
- b) Survivors and those at risk of forced and/or early marriage, domestic violence and “honour crimes”;
- c) Survivors and those at risk of forced prostitution and trafficking;
- d) Women perceived as contravening *Shari’a* law in areas under the control or influence of extremist Islamist armed groups;<sup>349</sup>
- e) Women and girls without genuine family support, including widows and divorcees.

For women and girls opposing, or perceived to be opposing, one of the parties to the conflict, including on account of their relationship to a person opposing, or perceived to be opposing, one of the parties to the conflict, see above Sections III.A.1 to II.A.6.

### *11) Children with Certain Profiles or in Specific Circumstances*

Children may fall within a number of the other risk profiles contained in these guidelines. In particular, the government and pro-government forces reportedly target children for violence, including torture, for reason of their (perceived) association with parties to the conflict that oppose the government, either for reason of the children’s own role as protestors or in combat support roles,<sup>350</sup> or through their association with family members who oppose the government.<sup>351</sup> Some children have reportedly been deprived of their liberty by anti-government armed groups and ISIS for reason of their association with other parties to the conflict.<sup>352</sup>

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*each other, poverty and financial desperation, and chaos or lawlessness*”; Protection Cluster, *2018 Protection Needs Overview*, 12 October 2017, <http://bit.ly/2z5XPof>, p. 75. “The majority of internally displaced persons are women and children, who face serious risks of sexual exploitation. Adolescent girls and women who are heads of household are particularly at risk”; UN Security Council, *Report of the Secretary-General on Conflict-Related Sexual Violence*, 15 April 2017, <http://www.refworld.org/docid/5912d5b74.html>, para. 70.

<sup>349</sup> See above “*Persons Perceived as Contravening Shari’a Law in Areas under the Control or Influence of Extremist Islamist Armed Groups*” (Section III.A.9) and sources referenced therein.

<sup>350</sup> “*Children continued to be arrested and detained for their alleged association with armed groups. The United Nations verified the arrest and detention of 12 boys by government forces and popular committees [during the period of January to December 2016]. In at least 7 of these cases, children were subjected to torture and ill-treatment*”; UN Secretary-General, *Children and Armed Conflict* 24 August 2017, <http://www.refworld.org/docid/59db4a194.html>, para. 174. “(...) the government arrested, detained, raped, tortured, and executed children for alleged association with armed groups”; US Department of State, *2017 Trafficking in Persons Report – Syria*, 27 June 2017, <http://www.refworld.org/docid/5959ec46c.html>. “The UN special representative for children and armed conflict reported that child detainees, largely boys, including those as young as 14, suffered similar or identical methods of torture practiced on adults, including electric shocks, beatings, stress positions, threats, and acts of sexual assault”; US Department of State, *2016 Country Reports on Human Rights Practices – Syria*, 3 March 2017, <http://www.refworld.org/docid/58ec89bf13.html>, p. 9. See also above “*Persons Opposing, or Perceived to Be Opposing, the Government*” (Section III.A.1) and sources referenced therein.

<sup>351</sup> “*There continued to be a significant number of reports of exceptionally brutal cases of abuse of children by the government. The COI noted regular reports of detention and torture of children under the age of 13, in some cases as young as 11, in government detention facilities. Officials reportedly targeted and tortured children because of their familial relations, or assumed relationships, with political dissidents, members of the armed opposition, and activist groups. (...) According to reliable witnesses, authorities continued to hold number of children to compel parents and other relatives associated with opposition fighters to surrender to authorities*”; US Department of State, *2016 Country Reports on Human Rights Practices - Syria*, 3 March 2017, <http://www.refworld.org/docid/58ec89bf13.html>, pp. 8-9. See also above “*Persons Opposing, or Perceived to Be Opposing, the Government*” (Section III.A.1) and “*Persons Supporting, or Perceived to Be Supporting, the Government*” (Section III.A.3) and sources referenced therein.

<sup>352</sup> “*Armed groups also deprived children of liberty for their alleged association with opposing parties to conflict. For example, ISIL deprived 27 boys of their liberty, some as young as ten, 9 of whom were executed and 17 remained unaccounted for as at early 2017. (...) In February, 3 children were publicly beheaded by ISIL after being accused of ‘spying’*”; UN Secretary-General, *Children and Armed Conflict* 24 August 2017, <http://www.refworld.org/docid/59db4a194.html>, paras 175, 178.

Children are also reported to be at risk of child-specific forms or manifestations of persecution, including forced and under-age recruitment,<sup>353</sup> sexual violence,<sup>354</sup> forced and/or underage marriage,<sup>355</sup> domestic violence,<sup>356</sup> child labour,<sup>357</sup> trafficking,<sup>358</sup> and the systematic denial of education.<sup>359</sup> ISIS, Jabhat Fatah Al-Sham and other extremist Islamist armed groups reportedly use education to indoctrinate and recruit

353 “The recruitment and use of children increased sharply: the number of verified cases more than doubled compared with 2015. The United Nations verified 851 cases attributed to armed groups self-affiliated with the Free Syrian Army (507), ISIL (133), pro-government militias (54), People’s Protection Units (46), government forces (29), Army of Islam (28), Ahrar al-Sham (17), the Nusrah Front (also known as Jabhat Fath al-Sham) (10), Nur al-Din al-Zanki (3) and unidentified armed groups (24); 20 per cent of verified cases involved children under the age of fifteen. Payment of salaries, ideology and family or community influence continued to be incentives”; UN Secretary-General, *Children and Armed Conflict* 24 August 2017, <http://www.refworld.org/docid/59db4a194.html>, para. 171. “Syrian government forces, pro-regime militias, and armed groups, including the Free Syrian Army (FSA) and FSA-affiliated groups, Kurdish forces, ISIS, and Jabhat al-Nusra the al-Qa’ida affiliate in Syria continue to recruit and use boys and girls as soldiers, human shields, suicide bombers, and executioners, as well as in support roles. Some armed groups fighting for the Syrian government, such as Hezbollah, and pro-regime militias known as the National Defense Forces (NDF), or ‘shabiha’ forcibly recruit children as young as six years old. Militants also use children for forced labor and as informants, exposing them to retaliation and extreme punishment”; US Department of State, *2017 Trafficking in Persons Report – Syria*, 27 June 2017, <http://www.refworld.org/docid/5959ec46c.html>. See also, UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 8 August 2017, <http://www.refworld.org/docid/59b24fe14.html>, para. 51; HRW, *World Report 2017 – Syria*, 12 January 2017, <http://www.refworld.org/docid/587b58196.html>; OCHA, *Under-Secretary-General For Humanitarian Affairs and Emergency Relief Coordinator, Stephen O’Brien Statement to the Security Council on Syria*, 22 February 2017, <http://bit.ly/2vYJkxD>; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 11 August 2016, <http://www.refworld.org/docid/57d015fd4.html>, paras 117, 118; UN General Assembly, *Situation of Human Rights*, 9 June 2016, <http://www.refworld.org/docid/576a33aa4.html>, paras 50-51. See also above “Violations and Abuses of Human Rights and Violations of International Humanitarian Law” (Section II.C) and sources referenced therein.

354 See “Violations and Abuses of Human Rights and Violations of International Humanitarian Law” (Section II.C), “Persons Opposing, or Perceived to Be Opposing, the Government” (Section III.A.1), and “Women and Girls with Certain Profiles or in Specific Circumstances” (Section III.A.10) and sources referenced therein.

355 See above “Women and Girls with Certain Profiles or in Specific Circumstances” (Section III.A.10) and sources referenced therein.

356 “When asked about the types of violence children regularly experience, half of interviewees raised concerns about a rise in domestic abuse – both physical and emotional – against or witnessed by children”; Save the Children, *The Impact of Six Years of War on the Mental Health of Syria’s Children*, 6 March 2017, <http://bit.ly/2mzCCwJ>, p. 11. See also “Women and Girls with Certain Profiles or in Specific Circumstances” (Section III.A.10) and sources referenced therein.

357 “Inside Syria and across its borders, coping mechanisms are eroding, and families are taking extreme measures just to survive, often pushing children into early marriage and child labour. In more than two thirds of households, children are working to support their families, some in extremely harsh conditions unfit even for adults”; UNICEF, *Hitting Rock Bottom: Children’s Suffering in Syria at Its Worst*, 13 March 2017, <http://bit.ly/2qqpwEa>. “Child labour due to widespread devastation of livelihoods and family separation, was reported in 82 per cent of surveyed sub-districts across the country, including its most dangerous and hazardous forms, namely begging, smuggling, scavenging, recruitment and use of children in the conflict, and illicit activities”; OCHA, *Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Stephen O’Brien Statement to the Security Council on Syria*, 22 February 2017, <http://bit.ly/2vYJkxD>. “The ongoing violence, coupled with the collapse of the educational system outside Government-held areas, continues to force children to work for survival. (...) children take any work – from selling vegetables to smuggling fuel – to support their families”; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 11 August 2016, <http://www.refworld.org/docid/57d015fd4.html>, para. 127. See also, AGPS, *Unemployment Aggravates Suffering of Palestinian Refugees in Syria*, 21 September 2017, <https://shar.es/1PCXn9>; US Department of State, *2016 Country Reports on Human Rights Practices – Syria*, 3 March 2017, <http://www.refworld.org/docid/58ec89bf13.html>, pp. 56-57.

358 “Syrian children are reportedly vulnerable to forced early marriages which can lead to commercial sexual exploitation and forced labor and children displaced within the country continue to be subjected to forced labor, particularly by organized begging rings”; US Department of State, *2017 Trafficking in Persons Report – Syria*, 27 June 2017, <http://www.refworld.org/docid/5959ec46c.html>.

359 Across Syria, one in three schools can reportedly not be used because they are either damaged, destroyed, sheltering the internally displaced or are being used for military purposes. Since the war began in 2011, there have been over 4,000 attacks on schools. “These attacks have resulted in staggering numbers of children being killed and maimed in brutal circumstances. They have also led to the death of countless teachers and the destruction of school buildings which combined deprive hundreds of thousands of children from accessing education”; UN Human Rights Council, *Human Rights Abuses and International Humanitarian Law Violations, 21 July 2016 - 28 February 2017*, 10 March 2017, <http://www.refworld.org/docid/58c80d884.html>, para. 20 (see also paras 21-31, 61 of the same report). See also, Save the Children, *Syria Fighting Forces Hundreds of Schools to Close*, 6 October 2017, <http://bit.ly/2fv7YZH>; UN Secretary-General, *Children and Armed Conflict* 24 August 2017, <http://www.refworld.org/docid/59db4a194.html>, paras 180, 182; World Bank, *The Economic and Social Consequences of the Conflict in Syria*, 10 July 2017, <http://bit.ly/2A6nTgx>, p. v; Save the Children, *The Impact of Six Years of War on the Mental Health of Syria’s Children*, 6 March 2017, <http://bit.ly/2mzCCwJ>, pp. 8-9; UNICEF, *Children in War-Torn Syria Risk Their Lives to Go to School*, 21 October 2016, <http://uni.cf/2m3Jlip>. ISIS and other extremist Islamist armed groups reportedly impose restrictions on female education in areas under their control: “Some opposition groups and extremist elements reportedly banned women from teaching and girls from attending school, particularly in Da’esh-controlled Deir al-Zour governorate”; US Department of State, *2016 Country Reports on Human Rights Practices – Syria*, 3 March 2017, <http://www.refworld.org/docid/58ec89bf13.html>, p. 47. See also above “Humanitarian Situation” (Section II.E) and sources referenced therein.



children.<sup>360</sup> Reports document that ISIS has used children to perpetrate war crimes, including executing, maiming and/or torturing captured members of the ISF as well as civilians.<sup>361</sup>

UNHCR considers that children falling in the following categories **are likely to be in need of international refugee protection** on the basis of membership of a particular social group (including the particular social group of “children in Syria”), and/or other relevant grounds, depending on the individual circumstances of the case:

- 1) Survivors and those at risk of forced and under-age recruitment;
- 2) Survivors and those at risk of sexual violence, domestic violence, forced and/or early marriage, or “honour crimes”;
- 3) School-age children, who are at risk of being denied access to education on a systematic basis for reason of their religion, their ethnicity, or their (imputed) political opinion.

Claims for international protection submitted by children need to be assessed carefully and in accordance with the UNHCR Guidelines on child asylum claims, including any examination of exclusion considerations for former child soldiers.<sup>362</sup>

### *12) Persons of Diverse Sexual Orientations and/or Gender Identities*

The 1949 Penal Code in Article 520 prohibits same-sex sexual acts, even between consenting adults, defined as “*intercourse that violates nature*,” and provides for up to three years of imprisonment as a criminal sanction.<sup>363</sup> Although no prosecutions under Article 520 have been reported in recent years, courts have reportedly prosecuted gay men and lesbians in a discriminatory manner based on vague charges such as abusing social values; selling, buying, or consuming illegal drugs; and organizing and promoting “obscene” parties.<sup>364</sup> The conflict in Syria and associated emergence of hardline and extremist Islamist armed groups, most notably ISIS and Jabhat Fatah al-Sham, have reportedly compounded the pre-existing vulnerability of and the risks faced by persons of diverse sexual orientations and/or gender identities in Syria.<sup>365</sup> Individuals of diverse sexual orientations, and those who are perceived as such,<sup>366</sup> are reportedly

<sup>360</sup> US Department of State, *2016 Report on International Religious Freedom – Syria*, 15 August 2017, <http://www.refworld.org/docid/59b7d8393.html>, pp. 14-15; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 11 August 2016, <http://www.refworld.org/docid/57d015fd4.html>, para. 125. See also, Business Insider, ‘*Sometimes the Gun is Taller than the Kid: How ISIS Uses Schools to Indoctrinate Children*’, 12 March 2016, <http://read.bi/1P5QD7z>.

<sup>361</sup> “*At least 103 children were used by ISIL for military functions, including to conduct executions and suicide attacks [during the period from January to December 2016]”*; UN Secretary-General, *Children and Armed Conflict* 24 August 2017, <http://www.refworld.org/docid/59db4a194.html>, para. 172. See also, International Business Times, *ISIS Child Executions? Video Allegedly Shows 3 Children Executing Men Accused of Spying for Kurdish Forces in Syria*, 10 January 2017, <http://bit.ly/2svJXgH>. See also above “*Violations and Abuses of Human Rights and Violations of International Humanitarian Law – Islamic State of Iraq and Al-Sham (ISIS)*” (Section II.C.2) and sources referenced therein.

<sup>362</sup> UNHCR, *Guidelines on International Protection No. 8: Child Asylum Claims under Articles 1(A)2 and 1(F) of the 1951 Convention and/or 1967 Protocol Relating to the Status of Refugees*, 22 December 2009, HCR/GIP/09/08, <http://www.refworld.org/docid/4b2f4f6d2.html>.

<sup>363</sup> Article 520 of Law 148/149. The 1949 Penal Code (Law 148/1949,) as amended, is available, in Arabic only, at: WIPO, *Syrian Arab Republic, Law No. 148/1949 on the Syrian Penal Code*, <http://bit.ly/2rj5PvT>. See also, International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA), *State Sponsored Homophobia 2017: A World Survey of Sexual Orientation Laws: Criminalisation, Protection and Recognition*, May 2017, <http://www.refworld.org/docid/598311a44.html> (hereafter: ILGA, *A World Survey of Sexual Orientation Laws*, May 2017, <http://www.refworld.org/docid/598311a44.html>), p. 39.

<sup>364</sup> US Department of State, *2016 Country Reports on Human Rights Practices – Syria*, 3 March 2017, <http://www.refworld.org/docid/58ec89bf13.html>, p. 53 and earlier reports available at: <http://www.refworld.org/publisher.USDOS.SYR...0.html>. See also, ILGA, *A World Survey of Sexual Orientation Laws*, May 2017, <http://www.refworld.org/docid/598311a44.html>, p. 41 (footnote 133) and p. 117.

<sup>365</sup> According to Jessica Stern, Executive Director of OutRight Action International, “*it’s really important to underscore that there is violence by families, killing campaigns by militias ... and there was indifference by governments even before the rise of ISIS, with not a single murderer being prosecuted*”; Los Angeles Times, *In Islamic State-Held Areas, Being Gay often Means a Death Sentence*, 13 June 2016, <http://fw.to/e1jBLPT>. See also, The Washington Post, *The Islamic State’s Shocking War on Gays*, 13 June 2016, <http://wapo.st/2kWp1W7>; The Sydney Morning Herald, *‘It Can’t Get any Worse than Being Gay in Syria Today’*, 17 October 2015, <http://bit.ly/1Mkf1je>.

<sup>366</sup> In areas under control of ISIS, the mere allegation or suspicion that someone is of diverse sexual orientation and/or gender identity, e.g. on account of a person’s effeminate appearance, way of walking, or lifestyle, reportedly is sufficient to result in severe punishment; Christian

often subjected to multiple forms of ill-treatment at the hands of different actors,<sup>367</sup> including their immediate and extended families,<sup>368</sup> wider society,<sup>369</sup> government authorities,<sup>370</sup> as well as a range of armed groups, including ISIS and Jabhat Fatah Al-Sham.<sup>371</sup> In areas under control of extremist Islamist armed groups, including ISIS and Jabhat Fatah Al-Sham, men accused of engaging in consensual same-sex acts have reportedly been sexually abused, tortured and executed, at times after having been sentenced to death by irregularly constituted courts. According to these reports, punishments for men accused of same-sex sexual acts reportedly include burning alive, beheading, stoning, shooting or throwing the accused from tall

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Science Monitor, *Islamist Views on LGBT: What Quran Says, and What It Doesn't*, 15 June 2016, <http://fw.to/YAghyDc>; Los Angeles Times, *In Islamic State-Held Areas, Being Gay often Means a Death Sentence*, 13 June 2016, <http://fw.to/e1jBLPT>; Vocativ, *Meet Three LGBT Syrian Refugees Who Fled ISIS Brutality*, 30 January 2016, <http://voc.tv/1KNz6Ax>; Washington Blade, *Reports Indicate Islamic State Executing Men for Sodomy*, 7 March 2015, <https://shar.es/12gytP>.

<sup>367</sup> According to the account of a Syrian gay refugee, “[L]ife was difficult not just under the Islamic State, but also under the government of Syrian President Bashar al-Assad as well as a constellation of rebel groups, including some Islamist factions, which also have executed suspected homosexuals. Syrian gays are, in a sense, double refugees, exiles from a homeland racked by war, but also from communities that rarely accepted them”; The Washington Post, *The Islamic State’s Shocking War on Gays*, 13 June 2016, <http://wapo.st/2kWpIW7>.

<sup>368</sup> Persons who are revealed or merely perceived to be of diverse sexual orientations and/or gender identities reportedly risk social exclusion, physical attacks and “honour” crimes as the stigma affects the whole family or even community. Article 192 of the Penal Code states that if a killing was based on an honourable intent, the judge has a number of options to reduce sentences. The law does not specify what constitutes honourable intent. “Generally speaking, Syrian families disown, murder, or attempt to ‘fix’ their LGBT children through outdated therapy or physical torture”; Columbia Journal of International Affairs, *Searching for a Home: One Man’s Story of Survival in the Syrian Civil War*, 6 June 2016, <http://bit.ly/2lqq3Aw>. See also, DW, *In Istanbul, Mr. Gay Syria Fears for His Life*, 14 February 2017, <http://bit.ly/2qY5NsF>; HRGJ Clinic, MADRE, WILPF, *Human Rights Violations Against Women and Girls in Syria*, 25 July 2016, <http://bit.ly/2iHSLaV>, p. 3; Vocativ, *Meet Three LGBT Syrian Refugees Who Fled ISIS Brutality*, 30 January 2016, <http://voc.tv/1KNz6Ax>; The Sidney Morning Herald, *‘It Can’t Get any Worse than Being Gay in Syria Today’*, 17 October 2015, <http://bit.ly/1Mkftje>. Reports also describe how in some instances families have deliberately exposed their gay family member’s identity to Islamist groups in order to have them killed; Associated Press, *Islamic State Group Targets Gays with Brutal Public Killings*, 13 June 2016, <http://apne.ws/1UvX3jI>; HRW, *The Double Threat for Gay Men in Syria*, 28 April 2014, <http://bit.ly/2mwLzxC>.

<sup>369</sup> Human rights activists and organizations report that there is overt societal discrimination based on sexual orientation and/or gender identity in Syrian society; see, e.g. US Department of State, *2016 Country Reports on Human Rights Practices – Syria*, 3 March 2017, <http://www.refworld.org/docid/58ec89bf13.html>, pp. 53, 57; OutRight Action International, *Jessica Stern’s Remarks at Historic UN Briefing on LGBT People Focuses on Persecution and Killings in Iraq and Syria*, 24 August 2015, <http://bit.ly/2IEv2xq>.

<sup>370</sup> “Local media reported numerous instances in which security forces used accusations of homosexuality as a pretext to detain, arrest, and torture civilians”; US Department of State, *2016 Country Reports on Human Rights Practices – Syria*, 3 March 2017, <http://www.refworld.org/docid/58ec89bf13.html>, p. 53. See also, British Council, *What’s It Like to Be a Gay Refugee?*, 21 March 2016, <http://bit.ly/1T5nlNz>; The Canadian Press, *Gay Syrian Refugee Finds Acceptance in ‘Respectful’ Canada*, 17 January 2016, <http://on.thestar.com/2ICZvLU>.

<sup>371</sup> “The Daesh (or ISIS/ISIL) held areas of northern Iraq and northern Syria, are known to target men and women on account of their gender expression, gender identity and their sexual orientation”; ILGA, *A World Survey of Sexual Orientation Laws*, May 2017, <http://www.refworld.org/docid/598311a44.html>, p. 105. “Lesbian, gay, bisexual, transgender and intersex persons have been targeted for physical and sexual assault on the basis of their actual or perceived sexual orientation, notably at checkpoints controlled by groups such as ISIL and the Nusrah Front, as well as in detention”; UN Security Council, *Report of the Secretary-General on Conflict-Related Sexual Violence*, 20 April 2016, <http://www.refworld.org/docid/5731a0d24.html>, para. 69. See also, US Department of State, *2016 Report on International Religious Freedom – Syria*, 15 August 2017, <http://www.refworld.org/docid/59b7d8393.html>, p. 12; UN Human Rights Council, *Human Rights Abuses and International Humanitarian Law Violations, 21 July 2016 - 28 February 2017*, 10 March 2017, <http://www.refworld.org/docid/58c80d884.html>, paras 77-78; HRW, *World Report 2017 – Syria*, 12 January 2017, <http://www.refworld.org/docid/587b58196.html>; The Washington Post, *The Islamic State’s Shocking War on Gays*, 13 June 2016, <http://wapo.st/2kWpIW7>; ABC, *Under ISIS: Where Being Gay Is Punished by Death*, 13 June 2016, <http://abcn.ws/2IEAtMJ>; UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 11 February 2016, <http://www.refworld.org/docid/56d6b3843ea.html>, paras 106, 113. As a means of concealing their identity and finding some level of security, some gay men are reported to have joined anti-government armed/extremist groups, helping these groups to track down other gay men; Los Angeles Times, *In Islamic State-held Areas, Being Gay often Means a Death Sentence*, 13 June 2016, <http://fw.to/e1jBLPT>; The Daily Beast, *The Secret, Hypocritical Gay World of ISIS*, 1 June 2016, <http://thebea.st/1Pf9wFQ>; International Business Times, *ISIS Terrorists Share ‘Highly Charged’ Homosexual Texts*, 12 May 2015, <http://bit.ly/2lh1gCm>. See also above “Persons Perceived as Contravening Shari’a Law in Areas under the Control or Influence of Extremist Islamist Armed Groups” (Section III.A.9) and sources referenced therein.

buildings.<sup>372</sup> Extremist Islamist armed groups have reportedly also threatened activists who advocate for the rights of persons of diverse sexual orientations and gender identities.<sup>373</sup>

UNHCR considers that persons of diverse sexual orientations and/or gender identities **are likely to be in need of international refugee protection** on account of their membership of a particular social group and/or other relevant grounds, depending on the individual circumstances of the case.<sup>374</sup>

It should be borne in mind that persons of diverse sexual orientations and/or gender identities cannot be expected to conceal their identity in order to avoid persecution.<sup>375</sup> Furthermore, the existence of significant criminal sanctions for consensual same-sex sexual acts is a bar to state protection, including where persecutory acts are perpetrated by non-state actors such as armed groups and members of society.<sup>376</sup>

### 13) Palestinian Refugees<sup>377</sup>

As a result of their location within the major urban centres that have been affected by intense fighting, including in Dera'a, Damascus, Rural Damascus, Homs, Hama, Lattakia and Aleppo Governorates, all of the 12 Palestinian refugee camps and 23 communities have been directly affected by the conflict,<sup>378</sup> with Palestinian refugees facing the same threats as Syrians, including on account of their real or perceived support or affiliation with parties to the conflict. According to reports, a number of Palestinian armed factions as well as some Palestinian individuals have been drawn into the conflict, supporting one or the other party to the conflict, and thereby placing the larger community at risk of reprisals and abuse on account of their perceived political opinion.<sup>379</sup> In areas under government control, Palestinian men of

<sup>372</sup> According to Jessica Stern, Executive Director of OutRight Action International, between December 2014 and June 2016, ISIS “has bragged that it has killed at least 41 individuals for what it calls sodomy. Clearly the 41 deaths are just the tip of the iceberg, and when we talk to our friends in Iraq and Syria they tell us of many other deaths that [Islamic State] didn’t claim public responsibility for”; Los Angeles Times, *In Islamic State-Held Areas, Being Gay often Means a Death Sentence*, 13 June 2016, <http://fw.to/e1jBLPT>. See also, Amnesty International, *Abductions, Torture and Summary Killings Under Armed Group Rule in Aleppo and Idleb, Syria*, 5 July 2016, <http://www.refworld.org/docid/577b81f84.html>, p. 28; Outright Action International, *Timeline of Publicized Executions for Alleged Sodomy by the Islamic State Militias*, last updated 30 June 2016, <http://bit.ly/1TkMgK7>.

<sup>373</sup> US Department of State, *2016 Country Reports on Human Rights Practices – Syria*, 3 March 2017, <http://www.refworld.org/docid/58ec89bf13.html>, p. 53.

<sup>374</sup> For policy guidance related to determinations of refugee status based on sexual orientation and/or gender identity, decision makers are referred to UNHCR, *Guidelines on International Protection No. 9: Claims to Refugee Status Based on Sexual Orientation and/or Gender Identity Within the Context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol Relating to the Status of Refugees*, 23 October 2012, HCR/GIP/12/01, <http://www.refworld.org/docid/50348afc2.html> (hereafter: UNHCR, *Guidelines on International Protection No. 9*, 23 October 2012, <http://www.refworld.org/docid/50348afc2.html>).

<sup>375</sup> UNHCR, *Guidelines on International Protection No. 9*, 23 October 2012, <http://www.refworld.org/docid/50348afc2.html>, paras 30-33. See also for example, Court of Justice of the European Union, *X, Y, Z v Minister voor Immigratie en Asiel*, C-199/12 to C-201/12, 7 November 2013, <http://www.refworld.org/docid/527b94b14.html>.

<sup>376</sup> Even in the absence of enforcement of the legal provisions criminalizing homosexual acts, the pervading or generalized climate of homophobia, as evidenced by societal attitudes etc., can be considered an indication of the risks faced by individuals of diverse sexual orientations and/or gender identities in Syria. See UNHCR, *Guidelines on International Protection No. 9*, 23 October 2012, <http://www.refworld.org/docid/50348afc2.html>.

<sup>377</sup> In this document, the term “Palestinian refugees” refers to persons who fall within the scope of Article 1D of the 1951 Convention as defined in UNHCR, *Note on UNHCR’s Interpretation of Article 1D of the 1951 Convention Relating to the Status of Refugees and Article 12(1)(a) of the EU Qualification Directive in the Context of Palestinian Refugees Seeking International Protection*, May 2013, <http://www.refworld.org/docid/518cb8c84.html>.

<sup>378</sup> Palestinian communities in areas of active conflict continue to suffer serious violations of IHL and violations and abuses of human rights law as a result of indiscriminate and widespread attacks on civilians and civilian infrastructure: “Intense conflict and violence took place in Palestinian gatherings and in unofficial and official camps, especially in Aleppo, Damascus and Rif Dimashq. In many incidents, Palestine refugees were killed or injured”; UN General Assembly, *Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, 1 January-31 December 2016*, 22 May 2017, A/72/13, <http://www.refworld.org/docid/59ef4f534.html>, para.12. “Palestine refugees face particular risks due to the impact of the hostilities in their camps, resulting in mass displacement”; OCHA, *2017 Humanitarian Needs Overview*, 1 December 2016, <http://bit.ly/2kC116M>, p. 32. See also, UNRWA, *Syria: UNRWA – Humanitarian Snapshot, June 2017*, 25 July 2017, <http://bit.ly/2h2MsWo>; UNRWA, *Syria Palestine Refugees Humanitarian Snapshot, March 2017*, 24 April 2017, <http://bit.ly/2tBItVV>. See also “Violations and Abuses of Human Rights and Violations of International Humanitarian Law” (Section II.C) and sources referenced therein.

<sup>379</sup> Rudaw, *Handarat Palestinian Refugee Camp at the Heart of Aleppo Fighting*, 27 September 2016, <http://bit.ly/2lgEWYX>; The Arab Weekly, *Palestinians Pay Heavy Price in Syrian War*, 11 September 2016, <https://goo.gl/VM0daU>; Al Jazeera, *Q&A: Beyond Yarmouk, Palestinians in Syria Need Aid*, 25 February 2016, <http://bit.ly/1LeFu9F>; Middle East Monitor, *Palestinian Refugees Struggle to Escape*

conscription age are reportedly at risk of being forcibly conscripted by government<sup>380</sup> and pro-government forces.<sup>381</sup> Some reports claim that Palestinian pro-government groups have recruited children into their ranks.<sup>382</sup>

Under the 1951 Convention, Palestinian refugees falling within the scope of Article 1D would be entitled *ipso facto* to the benefits of the 1951 Convention, provided Articles 1C, 1E or 1F of the 1951 Convention do not apply.<sup>383</sup>

Asylum claims of Palestinians who do not fall within the scope of Article 1D should be adjudicated under Article 1A(2) of the 1951 Convention. The risk profiles included in this document (Sections III.A.1 to III.A.12) provide relevant country of origin information and eligibility guidance.

## **B. Eligibility under an Extended/Broader Refugee Definition and/or Complementary Forms of Protection**

The 1951 Convention forms the cornerstone of the international refugee protection regime. The criteria for refugee status in the 1951 Convention need to be interpreted in such a manner that individuals or groups of persons who meet these criteria are duly recognized and protected under that instrument. Only when an asylum-seeker is found not to meet the refugee criteria in the 1951 Convention, for example because the feared persecution is found not to be for reason of a Convention ground, or if otherwise the threshold for applying the 1951 Convention definition is not met, should consideration be given to broader refugee criteria elaborated in regional refugee instruments,<sup>384</sup> or other forms of international protection, including

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*Conscription in Regime Controlled Areas of Syria*, 22 February 2016, <http://bit.ly/2kCiYM5>; Al-Monitor, *Syria's Palestinians Divided over Whom to Support*, 31 August 2015, <http://almon.co/2i61>. For an overview of political positions taken by segments of the Palestinian community vis-à-vis the conflict in Syria, see Norwegian Centre for Conflict Resolution, *Syrian Voices on the Syrian Conflict: The Plight of Palestinian Refugees in Syria in the Camps South of Damascus*, January 2017, <http://bit.ly/2iRY53z>, pp. 2-3. See also above “*Persons Opposing, or Perceived to Be Opposing, the Government*” (Section III.A.1) and “*Persons Supporting, or Perceived to Be Supporting, the Government*” (Section III.A.3) and sources referenced therein.

<sup>380</sup> Under Law No. 260 of 1956, Palestine refugees who arrived in Syria between 1948 and 1956 are considered on par with Syrians (except for nationality and the right to vote) and are obligated to undertake mandatory military service. Since the mid-1960s, Palestine refugees have generally performed their compulsory military service in the Palestinian Liberation Army, PLA; Sherifa Shafie, *Palestinian Refugees in Syria*, Forced Migration Review, August 2013, <http://bit.ly/2kxaeqt>, p. 4; Arab Center for Research & Policy Studies, *Palestinians in Syria and the Syrian Uprising*, October 2012, p. 2, <http://bit.ly/2yO8vaS>. See also, AGPS, *Regime Pushes Palestinian and Syrian Detainees on to the Battlefields*, 13 October 2017, <https://shar.es/1PC0z1>; AGPS, *Member of “Al-Saiqa” Forces Killed and Palestinian Factions Affiliated to the Syrian Regime Continue to Recruit Refugees for Fighting*, 7 October 2017, <https://shar.es/1PC0Sy>; AGPS, *Hundreds of Palestinians from Syria Refuse to Join Pro-Gov’t Palestine Liberation Army*, 12 July 2017, <https://shar.es/1PCXbD>.

<sup>381</sup> AGPS, *Heavy Shelling Rocks Deraa Camp, Al-Sadd Road in Southern Syria*, 11 February 2017, <http://bit.ly/2IB5pAV>, pp. 4-5; AGPS, *Daily Report on the Situation of Palestinian Refugees in Syria – 11-09-2016*, 11 September 2016, <http://bit.ly/2l7Sy6f>, pp. 3-4; Middle East Monitor, *Palestinian Refugees Struggle to Escape Conscription in Regime Controlled Areas of Syria*, 22 February 2016, <http://bit.ly/2kCiYM5>; AGPS, *Palestinians of Syria – Between Displacement and Disappearance*, 2016, <http://bit.ly/2kZEEnjH>, pp. 38, 41, 48, 51. See also above “*Draft Evaders and Deserters from the Armed Forces*” (Section III.A.2) and sources referenced therein.

<sup>382</sup> Palestine Square, *Lost Childhood: Palestinian Child Soldiers in Yarmouk*, 21 September 2015, <http://bit.ly/2IH5V2>; Jerusalem Fund, *The Palestinians in Syria Before and after the Syrian Crisis*, 22 June 2015, <http://bit.ly/2hyDTAg>.

<sup>383</sup> See, UNHCR, *Note on UNHCR’s Interpretation of Article 1D of the 1951 Convention Relating to the Status of Refugees and Article 12(1)(a) of the EU Qualification Directive in the Context of Palestinian Refugees Seeking International Protection*, May 2013, <http://www.refworld.org/docid/518cb8c84.html>.

<sup>384</sup> For regional refugee criteria, see Organization of African Unity (OAU), *Convention Governing the Specific Aspects of Refugee Problems in Africa (“OAU Convention”)*, 10 September 1969, 1001 U.N.T.S. 45, <http://www.refworld.org/docid/3ae6b36018.html>; Regional Refugee Instruments & Related, *Cartagena Declaration on Refugees, Colloquium on the International Protection of Refugees in Central America, Mexico and Panama*, 22 November 1984, <http://www.refworld.org/docid/3ae6b36ec.html>; Asian-African Legal Consultative Organization (AALCO), *Bangkok Principles on the Status and Treatment of Refugees (“Bangkok Principles”)*, 31 December 1966, <http://www.refworld.org/docid/3de5f2d52.html>.

subsidiary protection,<sup>385</sup> or protection from *refoulement* derived from universal or regional human rights norms.<sup>386</sup>

### C. Considerations Relating to the Application of an Internal Flight or Relocation Alternative (IFA/IRA)

A detailed analytical framework for assessing the availability of an internal flight or relocation alternative (IFA/IRA), sometimes also referred to as internal protection alternative, is contained in the UNHCR *Guidelines on International Protection No. 4: “Internal Flight or Relocation Alternative” within the Context of Article 1A(2) of the 1951 Convention and/or 1967 Protocol Relating to the Status of Refugees*.<sup>387</sup>

In light of the prevailing conditions in Syria, in particular the multitude and complexity of conflicts, the volatility of the security situation, the reported high level of human rights violations and abuses, and the deeply entrenched suspicions against persons of different backgrounds or origins, UNHCR does not consider it appropriate for states to deny persons from Syria international protection on the basis of an IFA/IRA. The relevance requirement would not be met where the person would be exposed to a new risk of serious harm in the proposed area of relocation, whether in the form of a serious risk to life, safety, liberty or health, or one of serious discrimination, irrespective of whether or not there is a link to one of the 1951 Convention grounds.<sup>388</sup> Even in the exceptional circumstances where the relevance requirement is met, the reasonableness requirement poses an obstacle to the applicability of an IFA/IRA, due to the hardships faced by Syrians in ensuring their basic survival amidst a widespread and severe humanitarian crisis, the massive destruction of homes and basic infrastructure, and the large-scale internal displacement in the country with over 6.3 million IDPs in Syria.<sup>389</sup>

### D. Exclusion Considerations

Among Syrian nationals or former habitual residents seeking international protection, there may be individuals who have been associated with acts falling within the scope of the exclusion clauses provided for in Article 1F of the 1951 Convention.<sup>390</sup> Exclusion considerations would be triggered, in particular, in cases involving possible participation in violations and abuses of human rights law and violations of IHL, particularly since the onset of the conflict in March 2011, including reportedly unlawful attacks against civilians and protected objects, murder, summary executions, torture and other forms of ill-treatment, kidnappings, hostage-taking, rape and other forms of sexual violence, forced displacement and recruitment and use of children.<sup>391</sup> Exclusion considerations would also be triggered in cases of claimants who may have been involved in human rights violations or other acts within the scope of Article 1F of the 1951

<sup>385</sup> For subsidiary protection, see, European Union: Council of the European Union, *Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on Standards for the Qualification of Third-Country Nationals or Stateless Persons as Beneficiaries of International Protection, for a Uniform Status for Refugees or for Persons Eligible for Subsidiary Protection, and for the Content of the Protection Granted (Recast)*, 20 December 2011, OJ L 337/9-337/26; 20.12.2011, 2011/95/EU, <http://www.refworld.org/docid/4f197df02.html>.

<sup>386</sup> Such as: UN General Assembly, *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, 10 December 1984, United Nations, Treaty Series, Vol. 1465, <http://www.refworld.org/docid/3ae6b3a94.html>, p. 85; UN General Assembly, *International Covenant on Civil and Political Rights*, 16 December 1966, United Nations, Treaty Series, Vol. 999, p. 171, <http://www.refworld.org/docid/3ae6b3aa0.html>; Council of Europe, *European Convention for the Protection of Human Rights and Fundamental Freedoms, as amended by Protocols Nos. 11 and 14*, 4 November 1950, ETS 5, <http://www.refworld.org/docid/3ae6b3b04.html>.

<sup>387</sup> UNHCR, *GIP No. 4: “Internal Flight or Relocation Alternative”*, 23 July 2003, <http://www.refworld.org/docid/3f2791a44.html>.

<sup>388</sup> *Ibid.*, para. 20. See also above “*Violations and Abuses of Human Rights and Violations of International Humanitarian Law*” (Section II.C) and sources referenced therein.

<sup>389</sup> See above “*Forced Displacement and Returns*” (Section II.D) and “*Humanitarian Situation*” (Section II.E) and sources referenced therein.

<sup>390</sup> UNHCR, *Guidelines on International Protection No. 5: Application of the Exclusion Clauses: Article 1F of the 1951 Convention Relating to the Status of Refugees*, 4 September 2003, HCR/GIP/03/05, <http://www.unhcr.org/refworld/docid/3f5857684.html>.

<sup>391</sup> There have been reports of human rights abuses and violations (pre- and post-2011) and serious violations of IHL (as of July 2012) on all sides. See above “*Violations and Abuses of Human Rights and Violations of International Humanitarian Law*” (Section II.C) and sources referenced therein.

Convention before March 2011.<sup>392</sup> In all such cases, it will be necessary to examine carefully any issues of individual responsibility for crimes that may give rise to exclusion from international refugee protection. Given the potentially serious consequences of exclusion from international refugee protection, the exclusion clauses need to be applied with caution. Participation in armed conflict is not, as such, a ground for exclusion. Similarly, mere membership in a group or organization engaged in activities that fall within the scope of Article 1F of the 1951 Convention is not as such a sufficient basis to exclude. A full assessment of the circumstances of the individual case is required in all cases.<sup>393</sup>

#### IV. Moratorium on Forced Returns

As all parts of Syria are reported to have been affected, directly or indirectly, by one or multiple conflicts, UNHCR calls on states not to forcibly return Syrian nationals and former habitual residents of Syria, including Palestinians previously residing in Syria. UNHCR also considers that it would generally not be appropriate to return nationals or former habitual residents of Syria to neighbouring countries and non-neighbouring countries in the region, unless specific arrangements are in place that guarantee that the individual concerned will be readmitted to the country and can re-avail him/herself of international protection.<sup>394</sup> Depending on the country, the individual concerned may not be readmitted, or such return may not be safe for the individuals concerned, and it may be impossible for their (specific) needs to be met.

In light of the prevailing conditions in Syria, UNHCR can neither promote nor facilitate refugee returns from host countries. While UNHCR is pursuing a number of steps to be able to respond to the needs of Syrians who have spontaneously returned to Syria from neighbouring countries, for the time being, and until conditions for voluntary repatriation in conditions of safety and dignity are in place, it remains critical to maintain protection space for Syrian refugees and former habitual residents of Syria and to preserve conditions for them to stay and have their rights respected in the host countries.<sup>395</sup>

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<sup>392</sup> See e.g. Annual Reports on Syria by Amnesty International for 2011 and earlier years, available at: <http://www.refworld.org/publisher/AMNESTY/ANNUALREPORT/SYR...0.html> and reports on Syria contained in the HRW World Report for 2011 and years prior to 2011, available at: <http://www.refworld.org/publisher/HRW/COUNTRYREP/SYR...0.html>.

<sup>393</sup> In some cases, individual responsibility for excludable acts may be presumed if membership and participation in the activities of a particularly violent group is voluntary. Detailed guidance on the interpretation and application of Article 1F of the 1951 Convention can be found in UNHCR, *Guidelines on International Protection No. 5: Application of the Exclusion Clauses: Article 1F of the 1951 Convention Relating to the Status of Refugees*, HCR/GIP/03/05, 4 September 2003, <http://www.refworld.org/docid/3f5857684.html>; and *Background Note on the Application of the Exclusion Clauses: Article 1F of the 1951 Convention Relating to the Status of Refugees*, 4 September 2003, <http://www.refworld.org/docid/3f5857d24.html>.

<sup>394</sup> See UNHCR, *Legal Considerations on the Return of Asylum-Seekers and Refugees from Greece to Turkey as part of the EU-Turkey Cooperation in Tackling the Migration Crisis under the Safe Third Country and First Country of Asylum Concept*, 23 March 2016, <http://www.refworld.org/docid/56f3ee3f4.html>.

<sup>395</sup> UNHCR, *UNHCR Seeing Significant Returns of Internally Displaced amid Syria's Continuing Conflict*, 30 June 2017, <http://www.refworld.org/docid/59562de64.html>. See also "Forced Displacement and Returns" (Section II.D) and sources referenced therein.