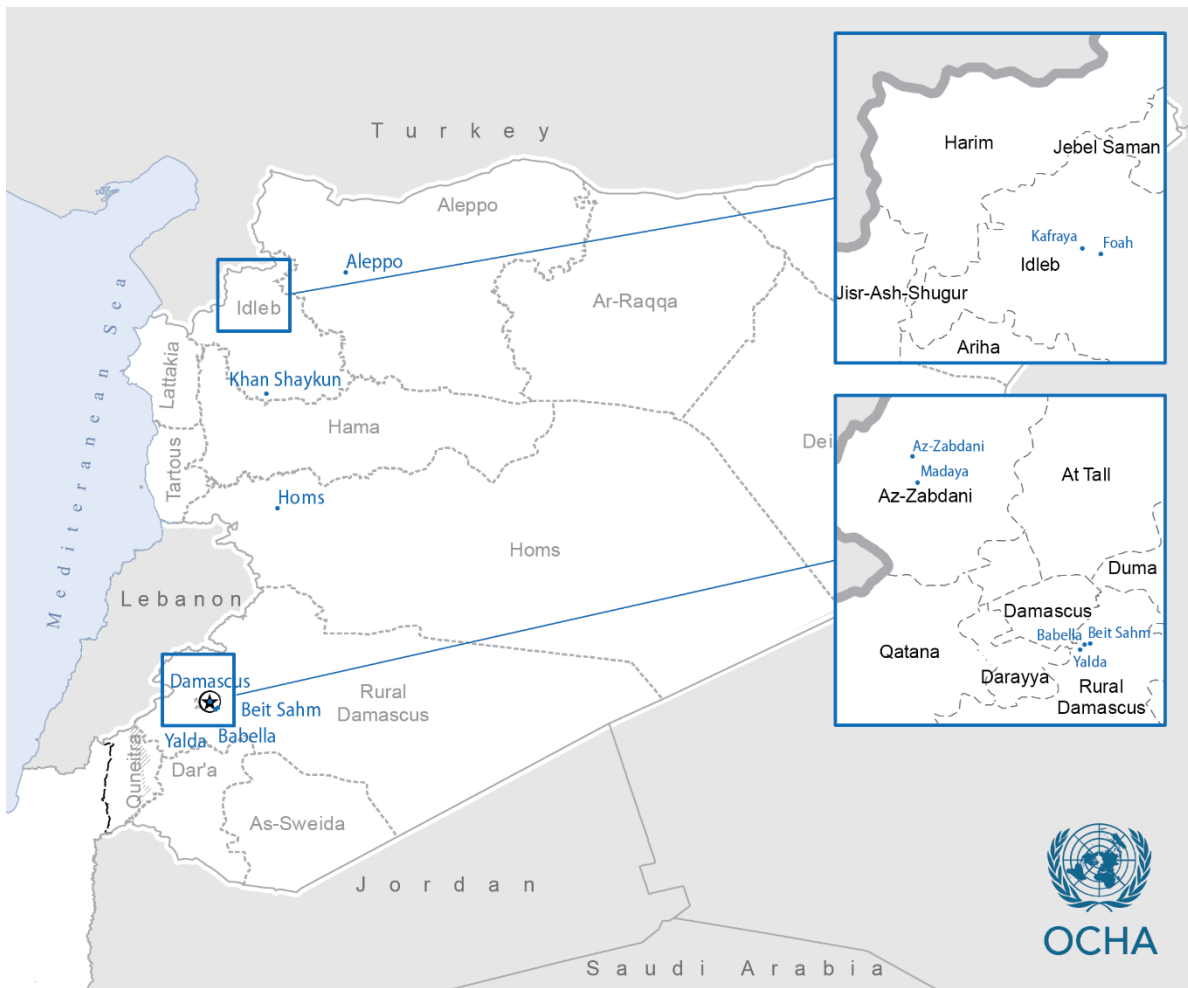


MONTHLY HUMAN RIGHTS DIGEST

SYRIA | April 2017

- Increasing attacks aimed at causing large numbers of casualties are putting civilians at grave risk as well as fuelling calls for further violence and pushing the parties to the conflict together with supporting states away from seeking a peaceful solution. Children have been particularly affected, with 95 children reported as killed in two attacks during April.
- As the conflict in Syria appears to increasingly become a battleground between international actors for influence in the country and the region, concerns surround the lack of consultation with the civilian populations in areas covered by various local ceasefire agreements, as well as the lack of adequate safety and security guarantees and procedures put in places to protect the rights of those affected.



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

OHCHR would like to thank OCHA for its support with the graphics and map compilation for the Digest.

LARGE SCALE ATTACKS

While large-scale attacks causing a high number of civilian casualties have sporadically occurred throughout the conflict, such attacks are increasingly frequent. Several incidents have occurred over recent weeks in which the intent of the attacker appears to have been to cause a maximum number of civilian casualties. The reported death of 95 children in two attacks during April demonstrates the horrific consequences and toll such attacks are having on civilians. Such attacks are fuelling increased calls for violence and retaliatory acts, risk pushing parties away from the political process and put civilians at an increasing risk of harm

Damascus Governorate

On 15 March, two successive explosions occurred in Government-held Damascus. The first went off in the reception hall of the central court complex in Damascus, a civilian structure usually crowded with civilians seeking to notarise, authenticate or certify official documents. Reports indicated 36 civilians were. A second blast went off shortly afterwards in a restaurant located in a local tourist spot, reportedly killing two civilians.

Idleb Governorate

On 4 April at least 88 civilians, including 21 women and 28 children, were killed and a further 500 were injured after the apparent exposure to toxic agents in the Idleb town of Khan Shaykun. Images from the scene showed civilians including many children

suffocating to death. About 40,000 residents are believed to have since fled their homes in fear of further attacks and airstrikes.

Aleppo Governorate

On 15 April between 15:00 and 15:30, a huge explosion - reportedly a vehicle borne improvised explosive device (VBIED) - occurred in the Ahrar Al-Sham opposition group-controlled Ar-Rashideen area of western rural Aleppo Governorate, near the first of a series of convoys scheduled to transport people evacuated from the towns of Al-Fu'ah and Kefraya in rural Idleb as part of the so-called "Four Towns" evacuation plan. The parallel convoy originating from Madaya and Zabadani was at the same time stationary at the pro-Government-controlled Al-Ramouseh Garage area of Aleppo City. Both convoys had been immobile since the previous evening reportedly due to disagreements between parties involved in the evacuations.

At the time of the detonation the buses were waiting for the convoy to proceed towards Government-held areas. Eyewitnesses informed OHCHR that the detonation occurred near where a person was giving out packets of crisps to children. Hospitals in Aleppo City reportedly received the bodies of 108 civilians, including at least 13 women, 16 men and 67 children - among them 16 girls and 51 boys. An unknown number of injured were transported to hospitals in opposition-controlled Idleb Governorate, and the whereabouts of some of them remain unknown.

Looking Forward

Such attacks have been followed by calls for escalating violence by the parties to the conflict. Following the 15 March Damascus attacks, there were accusations of responsibility and calls for violence on social media by persons sympathetic both to the Government and the opposition.

After the 4 April attack in Khan Shaykun, both Hay'at Tahrir Al-Sham (which includes the group formerly known as Jabhat al-Nusra) and Ahrar Al-Sham issued statements rejecting the political dialogue process and vowing to conduct retaliatory operations across Syria. Ground-based strikes launched by armed opposition groups were also reported to have hit the besieged town of Al-Fu'ah between 5 and 8 April, killing a 14-year-old child and injuring nine civilians including four children and a woman.

Prior to the first convoy departing Al-Fu'ah and Kefraya on 14 April, OHCHR received credible reports of opposition fighters firing at the Syrian Arab Red Crescent convoy, and unconfirmed reports suggesting that some opposition elements were waiting for the convoy, as well as reported threats that Jund Al-Aqsa and others would burn the buses as had been done in Aleppo. If the convoy departed without adequate security or protection measures taken to guarantee its safety, some of the responsibility for the death and injury of these civilians also lies with the parties involved in the transfer.

Following the 15 April attack on the convoy, several media sources reported calls for retaliation from various sources. Such threats must be taken seriously. All such attacks in which civilians are being killed in high numbers are deepening the hatred between the various communities in Syria. Hate speech, further calls for violence, threatening and launching military action in lieu of a concerted push for a political settlement are increasingly pushing any prospect of peace further from the table. The result will undoubtedly be the loss of many more civilian lives.

FOUR TOWNS EVACUATION PLAN

OHCHR continues to closely monitor the implementation of ceasefire agreements between pro-Government forces¹ and armed opposition groups on the ground which call for the evacuation of opposition fighters and others from various areas of the country. The Office has previously expressed concerns surrounding allegations that some civilians may be forced to leave their homes as part of the agreements as highlighted in the October 2016 Human Rights Digest. Such agreements must be developed in a manner which protects and respects the rights and protection concerns of civilians, and closely monitored to ensure that such concerns are adequately addressed. The recent evacuation plan for the four towns of Al-Fu'ah, Kefraya, Madaya and Zabadani reflects a deterioration in the development of such agreements, as well as a clear indication that security and safety concerns of those affected are not

¹ "Pro-Government forces," unless otherwise specified, includes forces of the governments of the Syrian Arab Republic, the Russian Federation,

and Iran, as well as Hezbollah and other foreign and domestic allied militias fighting in support of the Government.

being adequately addressed.

The convoy attacked on 15 April formed part of an evacuation plan reportedly negotiated between a delegation from the armed opposition Hay'at Tahrir Al-Sham and Ahrar Al-Sham, the Islamic Republic of Iran, the State of Qatar and to an unknown extent the Republic of Turkey. The level of involvement of the Government of Syria remains unclear.

Information collected by OHCHR suggests that the primary motivator of the plan comes within the framework of the struggle for influence in Syria by groups on the ground and their international supporters, rather than genuine concerns for the safety and well-being of civilians. Some reports suggest that the release of 26 Qatari nationals believed to have been held in Iraq by pro-Iranian militias was also connected to the agreement.

Like other previous ceasefire and evacuation agreements, the full text has not been made public although several alleged clauses have been leaked. OHCHR has seen reported excerpts of the plan - most of which call for the total evacuation of Al-Fu'ah and Kefraya whereas in Madaya and Zabadani only armed fighters along with their families and any other civilians wishing to do so would leave. Reports also indicate that a ceasefire would be implemented in

Parties to a non-international armed conflict may not order the displacement of the civilian population, in whole or in part, for reasons related to the conflict, unless the security of the civilians involved or imperative military reasons so demand.

the opposition-controlled and besieged towns of Yelda, Babila and Beit Sahm south of Damascus for nine months; that 1,500 detainees held by pro-Government forces would be released; and unhindered humanitarian assistance granted to all towns listed along with Al-Wa'er in Homs. OHCHR was not in a position to confirm these reports.

While many civilians in Madaya and Zabadani have reportedly expressed a wish to leave due to the dire humanitarian situation resulting from the prolonged siege and bombardment, they were reportedly not consulted or involved in the negotiation of the plan. Additionally, sources in Madaya informed OHCHR that civilians had been pressured by armed opposition groups to stop publicly criticising the agreement. Some armed groups allegedly received financial compensation from their international backers in order to support the agreement. Groups such as the National Coalition of Opposition Forces, the Free Syrian Army and the Local Council of Zabadani also came out publicly against the agreement, stating that the local populations had not been consulted and the deal amounted to forced displacement as a war crime.

The identity of the 1,500 detainees allegedly to be released by pro-Government forces is also unclear. While at least 500 of them reportedly belong to armed opposition groups linked to Qatar including members of Hay'at Tahrir Al-Sham, a number of peaceful activists were also supposed to be included amongst those released. OHCHR understands that the proposed list of persons to be released did not include any peaceful activists known to be held by the Government for a long time, but rather civilians who were reportedly only recently detained.

The Four Town evacuation plan is the latest in a series of ceasefire agreements in which some civilians, primarily families of fighters refusing to lay down their arms, are evacuated from areas under prolonged siege and bombardment, and denied sufficient access to items essential for their survival such as food and medicine. Similar agreements have also been implemented in such locations as Yarmouk, Daraya, Qudsiya and Al-Hama, Khan Al-Shih, Moadamiyat Al-Sham, and Al-Waer.

The extent to which the families of fighters are voluntarily leaving should also be examined, as any ordering of their transfer may also constitute a violation on the prohibition of forced displacement of the civilian population.

The meaning of “ordering” contained within the prohibition on forced transfer, while requiring intent, should be interpreted broadly to include the *ordering* of coercive measures aimed at forcing the transfer of the civilian population, as distinguished from their voluntary decision to leave. Such acts may include bombarding inhabited areas or targeting infrastructure essential for the wellbeing of civilians such as water pumping stations, schools, medical units or food outlets. The question of what is a genuinely voluntary decision in times of war is a subjective one to be made on a case-by-case basis.

The movement of civilians in situations of armed conflict is always linked to a coercive environment, even in cases in which it is not prohibited by international humanitarian law. In most of the recent

ceasefire agreements in Syria, it has been difficult to establish whether civilians have been forced to leave in violation of the prohibition on forced displacement. That said, indications that civilians were not consulted and conflicting reports on the requirement that the entire population leave Al-Fu'ah and Kefraya raises serious concerns as to the agreement's conformity with international law. The enjoyment of key human rights by civilians in Syria will also be severely affected by any displacement of the population, regardless of whether it is as a result of a violation on the prohibiting on forcible transfer, or otherwise resulting from the effects of the armed conflict. These include but are not limited to the rights to life, right to freedom of movement, right to choose one's own residence, right to be aware of the fate and whereabouts of missing relatives, right to family life and family unity, and right to not be arbitrarily deprived of property and possessions.

Any such population transfer will also undoubtedly render communities more vulnerable due to the inevitable breakdown in habitual protection mechanisms. The effects on children's right to education, for example, will have consequences that reach far beyond the end of the conflict.

Looking Forward

The Four Towns evacuation plan raises many questions about the adherence of the parties to the paramount requirement of international humanitarian law to protect civilians from the effects of armed conflict, as well as to the duty not to frustrate the enjoyment of a number of human rights norms. OHCHR has continuously monitored such ceasefire agreements and regularly expressed

concerns with regard to the voluntariness of civilians being evacuated. Should such forced displacement of civilians be warranted for security reasons or imperative military necessity, they must, without distinction, be allowed to return to their homes as soon as the conditions necessitating their displacement cease. During such displacement, all efforts must be made to ensure family unity, the protection of vulnerable persons, women and children, and satisfactory conditions of shelter, hygiene, health, safety and nutrition must be provided. Forced displacement for any other reason related to the conflict is prohibited and may constitute a war crime.

The call for the evacuation of the entire population of the towns of Al-Fu'ah and Kefraya is a disturbing new development in the Syrian conflict as most previous agreements are understood to have - at least on paper - allowed civilians to stay if they wished. International actors appear to be increasingly seeking to use such agreements to bolster their influence both in Syria and in the region.

Recommendations

Generally, an agreement between the parties aimed at putting a stop to the fighting is to be welcomed, as long as such an agreement is in full conformity with international law and addresses all protection concerns of civilians. There must be no coercion, intimidation, or manipulation of affected civilians, and pertinent information should be provided to them including at a minimum: i) the process for the evacuation, including information on routes to be taken and timing; ii) basic risk education on issues such as IED awareness; and iii) protection and risks

they can be expected to be exposed to if they do not take part. There needs to be adequate guarantees for the safety of civilians during evacuations, for those who choose to remain, and for those who after evacuation later choose to return to their homes.

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