

AMNESTY INTERNATIONAL BRIEFING



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SYRIA: GOVERNMENT BOMBS RAIN ON CIVILIANS

INTRODUCTION

Civilians continue to be at the receiving end of increasingly frequent indiscriminate attacks by Syrian government forces. Imprecise weapons designed for the battlefield are killing, maiming and displacing growing numbers of civilians – many of them children. Unguided air-delivered bombs, artillery, rockets, and ballistic missiles which cannot be aimed at specific targets and do not distinguish between military targets and civilian objects, and internationally banned cluster munitions are being used daily against civilian residential areas in towns and villages, in utter disregard for the most fundamental principles of international humanitarian law.

Government forces also continue to commit other grave violations, including war crimes, notably they frequently arbitrarily detain, torture, disappear and extrajudicially execute men and boys suspected of support for armed opposition groups fighting the state or of support for political opposition to the government of President Bashar al-Assad.

In a recent two-week investigation in northern Syria Amnesty International visited 17 towns and villages in the Idlib, Jabal al-Zawiya and Jisr al-Shughour areas and Aleppo city, and carried out field investigations into indiscriminate attacks which killed more than 310 civilians (including more than 157 children and 52 women) and injured hundreds of others. The organization's findings show that the frequency and scale of such attacks – which constitute war crimes - has increased in recent months, with disastrous consequences for the civilian population.

In all of these cases the attacks were either direct attacks on civilians or indiscriminate; all available information indicates that there were no obvious military targets or military operations or confrontations at or near the sites of the attacks at the time of the attacks. The attacks were indiscriminate as the nature of the weapons and munitions used means that they cannot be aimed at specific targets. Even giving government forces the benefit of the doubt, and assuming that they believed that there were actually military targets in the areas attacked, the routine and repeated use of inappropriate battlefield weapons in residential areas or inherently indiscriminate weapons has meant that civilians were unlawfully killed and injured and civilian objects needlessly destroyed or damaged. These and other attacks investigated in previous months show a pattern of government forces targeting towns and villages which are under the control of armed opposition groups, invariably killing and injuring civilians. And in many such cases government forces carried out direct attacks on civilians and civilian objects – one of the gravest violations of international humanitarian law.

The number of civilians displaced by the conflict has skyrocketed in recent months, with several thousands of Syrians and others fleeing to other countries every day and many more moving from place to place within Syria in search of safe shelter. With Turkey having imposed strict restrictions on the entry of Syrian refugees in recent months, tens of thousands have been left stranded in dire humanitarian and health conditions in makeshift camps on the Syrian side of the border with Turkey.

FROM SHOOTING PEACEFUL DEMONSTRATORS TO AIR BOMBARDMENTS AND BALLISTIC MISSILES STRIKES AGAINST CIVILIANS

Syrian government forces have been targeting civilians from the outset of the protest movement which began two years ago. Indeed, such attacks were at the core of government policy in dealing with the initially peaceful protests. At first security forces and state-armed pro-government *shabiha* militias randomly fired live rounds into crowds of peaceful protesters, killing and injuring both demonstrators and bystanders alike.¹ Protestors and their supporters were hunted down, with many killed and others arrested, disappearing into the black holes of Syrian state-run prisons and detention centres where torture and other ill-treatment is rife. Hundreds have never emerged alive.²

As the weeks and months passed, armed opposition groups formed to counter government repression, and the situation gradually evolved into an internal armed conflict which has spread across much of Syria. However, peaceful protesters and armed insurgents have not been the only, or even the main, targets. Rather, the authorities embarked from early on in the crisis on a policy of brutal attacks which amount to collective punishment and which appear aimed at terrorizing into submission peaceful protesters as well as members of armed opposition groups and those around them – including those whose connections to the uprising and subsequent conflict are purely circumstantial, such as residents of areas which have come to be under the control of opposition forces.

As the conflict spread, Syrian armed forces and pro-government militias carried out destructive incursions in town and villages, where they extrajudicially executed captured opposition fighters, their relatives and other civilian residents, and burned and vandalized residents' homes and businesses.³

Mainly since 2012, government forces have increasingly resorted to shelling civilian residential areas which had come under the control of opposition forces with tank rounds, mortars and artillery. As armed opposition groups gained control of more territory and drove government forces out of a growing number of towns and villages, around August 2012 government forces began resorting to air bombardments. Air strikes have since increased, and continued to be systematically directed against towns and villages under the control of armed opposition groups. Air attacks have seldom targeted opposition forces' positions in these areas, and have often struck residential neighborhoods, killing and maiming civilians not involved in the conflict. The increased frequency of such attacks since the last quarter of 2012 has resulted in a dramatic increase in civilian deaths and injuries, and in the displacement of hundreds of thousands of people.⁴

The choice of munitions and the means of delivery used to bomb towns and village has been a key factor in the indiscriminate nature of such attacks. The bombs used – both

the Soviet-made general purpose bombs, and the seemingly locally made “barrel bombs” (large barrels filled with explosive and metal fragments to increase lethality), and, especially since October 2012, internationally banned cluster bombs – are unguided – that is they cannot be accurately aimed at specific targets. It is thus no surprise that civilians have borne the brunt of such attacks. Since December 2012, in addition to air-delivered cluster bombs, government forces have also been using notoriously inaccurate medium-range ground-launched “Sakr” rockets containing cluster sub-munitions (as described below).

The latest and most lethal weapons deployed so far are surface-to-surface ballistic missiles which were used in February 2013 in attacks against residential districts in Aleppo city with disastrous consequences – both in terms of the large numbers of fatalities and casualties and unprecedented scale of destruction they caused.

Attacks with such missiles were first reported in December 2012, but mostly landed outside population centres.⁵ Amnesty International has not been able to conclusively identify the type of missiles used in these or other attacks, but all available information indicates that ballistic missiles were used. All the survivors and other residents interviewed by Amnesty International said that they had not seen or heard any aircraft prior to the strikes; the scale of the destruction from the three attacks documented is far greater than that caused by any air strikes previously seen in Syria. Syrian activists based in the city of Yabroud (about 80 km north of Damascus) reported seeing ballistic missiles being launched from the area shortly before twin strikes in the Aleppo districts of Tariq al-Bab and Ard al-Hamra at about 6pm on 22 February.⁶ Despite the Syrian authorities’ denial that they have used ballistic missiles, the use of such weapons has been documented.⁷

Ballistic missile strikes destroying entire families and neighborhoods in seconds

More than 160 residents of three districts of eastern Aleppo were killed and hundreds injured, and scores of homes were destroyed in three ballistic missiles attacks on 18 and 22 February 2013. Though not the first such attacks, these were by far the most deadly and destructive.

Sabah Mairi, a 31-year-old mother of five who survived the carnage of the double strike which killed at least 117 residents of the adjoining Ard al-Hamra and Tariq al-Bab districts in the early evening of 22 February 2013, told Amnesty International about her loss: *“We were at home, my family and mother and sisters. I did not hear any noise from a plane. Suddenly I lost the ground from under my feet. My children were killed, my daughters, Isra’, Amani and Aya, aged 4, 6 and 11, my husband, my mother, my 14-year-old sister Nour, and my other sister’s children, Ahmad, Abdallah and Mohammad, aged 18 months, and 3 and 4 years. They were all killed, what is left for me in this life? Only my boy survived; now he is all I have. May God help us!”*

Another resident told Amnesty International that he lost his brother Hussein Khalaf, his brother’s wife Fatima, and their five children – twins Nour and Reem, 5; Asma’, 3; Iman, 10; and Mahmud, 13 – and Fatima’s brother, who had just got married: *“What can I say?”*

I have no words to describe what happened; it was a massacre. Whole families were massacred, in their homes. How can this be allowed to happen?"

Almost a month later the bodies of several of those killed in the strikes have not yet been found. Among those missing were several members of the al-Hussein (Tarzan) family. A member of the family told Amnesty International: *"My cousin Zeinab al-'Alu, 30, the wife of Jasem al-Hussein (Tarzan) and her five children were all killed and her sister-in-law Reem, Mohamed al-Hussein (Tarzan)'s wife, and her four children were also killed. She was 33 and was pregnant. The oldest of the nine children was Zeinab's daughter, Nisrin, who was 11, and the youngest was Reem's son, Lu'ay, not even one year old. The bodies of some of the children have not been found yet. Their home was exactly in the place where the missile struck and was pulverized. The body of a child was found in another street nearby, thrown from the force of the explosion; I am not sure if it was confirmed that it was Ibrahim, aged seven, Zeinab's oldest son. Some of the bodies could not be identified, they were in shreds."*

On 2 March 2013, in one of Amnesty International's visits to the area, relatives of some of those who perished in the attack were still searching for the missing ones, digging in the enormous mountains of rubble with nothing more than shovels; they had just recovered the arm of a child. One of them told Amnesty International: *"The world has forgotten us. Our children get slaughtered every day and the world does nothing. Here we have lost our families and homes and everything and have received no help at all."*

Hammoudeh al-Hussein, 40, who lost his wife and five of their seven children (four daughters and a son) in the attack and who was himself injured, told Amnesty International: *"I heard my daughter Amani call her little brother and then I don't remember anything. I don't know how long I lay under the rubble before I was pulled out. The bodies of my wife and my daughter Amani were not found until six days later. I lost my wife and five of my children. God left me two of my children and I don't know how we can rebuild our lives. I have nothing to give to my children."*

Nearby, in the Tariq al-Bab area, where some 14 people were killed in a similar attack only minutes before the Ard al-Hamra strike, a resident pointed to a place in the rubble where she said that a family of seven were killed.

Another resident, Ayham al-Hammoud told Amnesty International: *"My baby daughter, Ghazal, who was eight months old, was killed and my four-year-old son and my mother were injured. My brother lost his wife, Siham. She left behind six children, the youngest one is a baby, still breastfeeding. My cousin Ibrahim, aged 10, was also killed."*

In the Jabal Badro district of Aleppo, where the first of the three attacks occurred, in the evening of 18 February 2013, Hussein al-Saghir, a 15-year-old boy showed Amnesty International a point in the mountain of rubble, where their home used to be: *"Five of my brothers were killed, Hassan, 12; Abd al-Qader, 15; the twins Mahmoud and Rabi'a, 19; Abbas, 20 and his wife (their children were saved); Ahmad, 25, and his wife Hamida and their 3 small children. The youngest child, Mohammad Ali was only 3 days old and his sisters, Warda, 18 months and Fathiya, 3 years. My brother Mahmoud was pulled from under the rubble and he survived but his wife, Amina, 20 and their two small children,*

Qasem, 12 months and Warda, two years, were killed. My mother was badly injured and is now in hospital in Turkey. She does not know that her sons are dead. All my extended family lived here, we had 10 houses. My uncle, Mohamed Ali, lost 27 members of his family. He has lost his mind; he doesn't know anything anymore. He is in the countryside; everyone who survived has gone to stay with relatives or friends somewhere. Here there is only rubble left".

It is difficult to determine the exact extent of the material loss caused by these three strikes as the task of cataloguing the material damage has not yet been carried out, as survivors of the attacks are for now focused on trying to find missing relatives, caring for the wounded and the orphans, and simply trying to survive after having lost everything. There is however no doubt about the massive scale of the destruction, with scores of homes having been completely destroyed and/or damaged beyond repair. Some houses, those closer to the point of impact of the strike, have been completely destroyed – walls and content reduced to fine dust – making it difficult to know where the houses stood before. Other houses, much further away (100 metres or more) from the strike location, also incurred serious structural damage, some beyond repair and many residents who survived the strike are now living in badly damaged and unsafe homes.

FREQUENT USE OF INTERNATIONALLY BANNED CLUSTER BOMBS IN RESIDENTIAL NEIGHBOURHOODS

"Inas, two years; Heba, 8; Rama, 5; Nizar, 6; Taha, 11 months; Mohamed, 18 months. They were all killed; why? Why bomb children?" As he spoke to Amnesty International, these children's relative was still trying to find out about the fate of other members of his family, including four children, who had been injured and rushed off, some of them to hospitals across the border in Turkey.

A dozen other civilians were killed and scores more injured in this multiple cluster bomb attack on a densely populated housing estate in the Masaken Hanano district of Aleppo on 1 March 2013 at about 11.30 am. Among those killed were Mahmud al-'Asal and his 16-year-old son Iyad; 10-year-old Noura Ibrahim; and 60-year-old Adnan Kamil. Medical workers at one of the field hospitals said that three of the bodies they had received were in shreds and had not yet been identified.

When an Amnesty International delegate visited the site, two hours after the attack, she found nine Russian-made RBK bombs – one only metres from the front door of one of the buildings; three in a small garden between the buildings; one on the roof of a building; two in a small empty space between buildings; one in the middle of an alley; and one in another garden. Scores of unexploded PTAB-2.5M sub-munitions (bomblets) contained in the cluster bombs were littering the pavements, alleys and gardens between the buildings and the rooftops. Some of the lethal bomblets had penetrated through the walls of the buildings, exploding inside people's homes, and in several places the buildings' walls were peppered with shrapnel holes.

On the pavements and in the alleys between the buildings there were pools of blood and pieces of human flesh of the residents who were killed and injured in the attack. Some residents were fleeing the area, terrified of further strikes.

A 10-year-old girl showed Amnesty International the spot where her three-year-old brother, Ibrahim, was standing, just outside the family's ground floor apartment, when he was struck on the head by shrapnel from one of the scores of cluster sub-munitions (bomblets) which exploded all over the housing estate.

In an apartment in one of the buildings 18-year-old Mahmoud, lay on the floor with shrapnel lacerations to his face, legs and arms. Blood was seeping through the bandages. Shaking and visibly in shock, he said: *"I was sitting outside my home with my friends; the little ones were playing around us. There were explosions; the children were screaming and then I don't remember anything."* Relatives said the youth was found in pool of blood. He was taken to a field hospital, where he was given basic treatment and released. Field hospitals have few human or material resources, and have to release patients as quickly as possible because they fear attacks – hospitals have been bombed in the past year.

Amnesty International recorded the names of 60 people, more than half of them children, who were being treated in field hospitals in Aleppo city. They included seven-year-old Abdo al-Dik, who suffered deep lacerations to his abdomen and legs. His three-year-old brother Nizar was killed in the attack and another brother, aged six, was still missing several hours after the strike. Six-year-old Mustafa Ali, who had sustained shrapnel injuries to the head, neck and shoulders, did not know what had happened to the relatives he was visiting when the bombs struck. Noura, a 20-year-old woman, sustained multiple fractures to her left leg when a cluster sub-munitions exploded inside her ground-floor apartment.

Six days later, on the morning of 7 March a double cluster bomb strike on a southern district of Sarmin, a small town in the Idlib governorate, killed a 10-year-old girl, Amani al-Sheikh Ahmad, and a 25-year-old mother of two, Rania Kashtu, and injured more than 10 civilians, including several children. Residents told Amnesty International that the double air strikes happened at about 10 am.

A resident told Amnesty International: *"There were so many injured, they had horrible cuts and pieces of flesh missing. Little children were screaming in so much pain; it was heartbreaking, and the medics in the field hospital didn't know who to attend to first."* Footage of the aftermath of the bombing shows a number of unexploded AO-1 SCH fragmentation bomblets,⁸ the other type of cluster sub-munitions contained in the RBK bombs which are frequently dropped by Syrian aircraft.

In al-Najiya, a small village near the town of Jisr al-Shughour, several residents were killed and injured by cluster bombs in recent months. A 13-year-old girl, Nour Mustafa al-Keis, was killed and her three sisters, baby brother and mother were injured when cluster bombs rained on the village on 15 January 2013. Nour's mother told Amnesty International: *"I was coming back home with the children, we had been visiting our relatives here in the village, just a few streets away. It was about 1.30 pm. We were in the centre of the village when we heard a plane circling above, then it bombed but not immediately above us, but the bombs came to us, in the little street between the houses. Everything was full of smoke, I could not see anything, I could not see my children. When*

I found Nour she was lying face down in a pool of blood". Nour's mother and siblings are still suffering from multiple shrapnel injuries to their faces and bodies, and some 10 other villagers were also injured in the attack, some seriously.

In the same village, an elderly widow, Fatima Bakkour, was killed in her bed when a cluster bomblet went through the roof and exploded into her home in the afternoon of 9 February 2013. One of the volunteers who tried to rescue the woman told Amnesty International: *"One of the bombs went through the roof and into Fatima's home right above her bed. We tried to save her but the bomb had caused a huge wound by her waist and abdomen and she died almost immediately, as we were evacuating her from her home."*

In Salqeen, a town in the west of the Idlib governorate, 18 people were killed and dozens more injured, most of them children, on 18 January 2013 in a cluster bomb attack in the centre of the town. Among the victims were two 10-year-old schoolchildren, Rawan Yaser Darukh and Abd al-Rahman Aasous. Rawan was killed and her siblings and cousins were injured when a cluster bomblet exploded as they were playing outside the family's grocery store. Abd al-Rahman's parents told Amnesty International that the boy had been playing in the street downstairs from their apartment when the explosions happened: *"Neighbours rescued him and brought him upstairs but he was already dead; he had gushing wounds to the head"*. The strikes took place just after Friday prayer, with cluster bomblets exploding all along a main street lined with shops. Amnesty International counted more than 20 locations where cluster bomblets exploded and interviewed a dozen of people injured in the attack, most of them children. A fruit seller who was also injured in the strike told Amnesty International: *"My neighbour Saad Rashid Aktaa and I were coming back from Friday prayers and we had almost arrived at my fruit stall when the explosion happened. Sa'ad was killed. He left behind five children who are now orphans. I was injured by shrapnel in the legs"*.

The first recorded use of cluster bombs by Syrian government forces was in the Jabal Chahchaboun area of Hama Province on 10 July 2012.⁹ Since October 2012 cluster bombs have been used with increasingly frequently all over the country. The cluster bombs and rockets used by Syrian government forces are unguided, that is they cannot be aimed at specific targets; they disperse large numbers of bomblets (cluster sub-munitions) over large areas - a radius of hundreds of metres. A high percentage of these bomblets do not explode on impact and leave a deadly legacy for the civilian population as they may explode at any time if picked up or accidentally touched - they effectively become anti-personnel mines. It is because of these characteristics that cluster bombs are internationally banned.¹⁰

Unexploded cluster bombs – a deadly legacy

Shafiq Hatem Sheikh Yassin, an 18-year-old first year agriculture student was killed in the courtyard of his home when he picked up a cluster sub-munition which had landed unexploded just before 1pm 24 February 2013 in Mar'aand, a small village in the countryside around Jisr al-Shughur. His mother told Amnesty International: *"When the cluster bomb fell into the courtyard we were all there; we did not know what it was and that it could explode. We went out and Shafiq remained in the courtyard and he picked it*

up (the bomblet) and it exploded and killed him. Why throw such bombs which kill innocent people in their homes?"

A neighbour of the family showed Amnesty International three unexploded PTAB-2.5M sub-munitions in her shed, in a precarious and unsteady location, with the firewood. She said her children had collected them from the many that lay scattered around after the cluster bomb attack on the village and brought them home, not realizing how dangerous they are. After their neighbour Shafiq was killed by the same kind of bomblets, the family realized the danger lurking in their home and wanted to be rid of the deadly bomblets.

Mousa Ramadan Hassoun, a 16-year-old 10th grade student from Darkoush, a village between Jisr al-Shughour and the Turkish border, was killed on 20 February 2013 when he picked up one of the unexploded cluster bomblets which had been fired into the outskirts of the village. One of his cousins who was also injured in the explosion, told Amnesty International: *"Me and Mousa and our 12-year-old cousin were grazing the sheep half a way up the hill and we found some objects - shaped like cylinders, a bit bigger than cups of coffees, each with a white ribbon attached to it. There were lots of them. We picked up one each but then me and my little cousin put them down and left them there. Mousa put the one he picked up in his pocket, on the right pocket of his jacket. He walked maybe 200-300 metres and it exploded in this pocket. His right arm was cut off and his abdomen was cut open. He died immediately. I was injured in the legs from the explosion but our little cousin was saved because he was further away."*

The cluster bomblets which killed Mousa Ramadan Hassoun and injured his cousin were of a different type kind from those used in the other attacks mentioned in this report. They are smaller and darker, each with a white ribbon attached to it, and belong to the family of Dual-Purpose Improved Conventional Munitions (DPICM). They are delivered by 122 mm rockets which are launched from BM-21 multiple launchers, usually mounted on trucks and notoriously inaccurate. The remains of the rockets seen by Amnesty International in Darkoush were branded with the logo of the Egyptian "Sakr" factory (a subsidiary of the Egyptian state-owned Arab Organization for Industrialization). According to the specifications, these rockets carry 72 to 98 cluster sub-munitions and can be launched by single, quadruple and multi-tube launchers, including the conventional BM-21 multiple launcher.¹¹ These cluster-submunition rockets have been used by the Syrian army since at least December 2012. In February 2013 government forces began deploying yet another type of cluster bombs, larger and containing a greater number of cluster sub-munitions.¹²

On 26 February 2013 residents of Darkoush showed Amnesty International the remains of several 122 mm "Sakr" rockets which had struck in and around the village in previous days and weeks, littering the areas with cluster sub-munitions. They said that dozens of unexploded bomblets had been cleared from the areas inside the village by local fighters and volunteers, but were concerned that the fields around the village were more difficult to clear because the bomblets get hidden in the tall grass, where they pose a particular threat for shepherds and farmers.

INDISCRIMINATE AIR BOMBARDMENTS – A DAILY OCCURRENCE

“When the village was being shelled, last summer, we would try to stay in the most inner room on the ground floor of the house, because it was safer. Then the air bombardment began and really there was nothing I could do to keep the children safe. So we left and came here, but the situation is so bad here that I don’t know what is worse – to stay here in this bad situation or to go back and die in my home”. A resident of Kafr Rouma, a village in the south of the Idlib governorate, now sheltering in one of the IDP camps along the Turkish border.

“First we went to hide in the old Roman caves in the countryside and then we even dug caves in the village next to the houses, but the bombardments are so fierce, they flatten whole houses, even sturdy houses, so the caves don’t afford much protection. And we can’t keep the children in the caves all the time and often you don’t hear the plane before the bombardments and there is no time to escape. What can I do to keep my children safe?” A resident of Haas village, in Jabal al-Zawiya.

In the town of Salqeen, in the west of Idlib governorate, more than 20 residents were killed as a result of an air strike which destroyed four small houses and several apartments on both sides of a narrow street in the Bazaar district on 1 October 2012. Among those killed were Ghassan Droubi, 14; Mohammad Hassan Ramadan, 13; Mohamed Kayali, 15; Abu Ibrahim Sinnu and his 15-year-old son Mustafa; Siham Naddu, in her mid 50s, her 14-year-old son, her granddaughters Masha’il and Fatima, aged 8 and 4, her grandsons Abdallah and Mohamed, aged 10 and 6, and her relative Fatima Khalilu, a mother of seven.

Hassan Mohammad al-Dha’if, aged two, and his four-year-old sister Aya were killed while playing outside their home in the village of Haas, in Jabal al-Zawiya, on 14 February 2013. The children’s aunt told Amnesty International: *“There is no safety anywhere. It was lunchtime and the children were playing outside, between the houses, when two missiles from a plane struck our relatives’ houses on the other side of the street. My daughter and my niece were both injured and my cousin and I were also injured.”*

A few streets away a week later, on 21 February, at around the same time, 12-year-old Bitoul Abd al-Hamid al-Farhat was killed in yet another air strike which also injured her mother, her seven-year-old sister and her three brothers, aged 18 months to nine years.

A baby boy, Ahmad Ibrahim Tweish, and his four sisters – Sarah, 6, Amira, 9 and twins Rama and Rim, 12, were among some 20 civilians, most of them children, who were killed in a single air bombardment in Maaret al-Na’aman on 6 November 2012. Ibrahim Tweish, the children’s father told Amnesty International: *“It was about 3.30 or 3.45 pm and I was in the street near the house when the bomb struck. It was as if the world collapsed around me. My five children were killed and my wife seriously injured, and our next door neighbours were all killed; most of them were women and children, one of them a newborn baby girl, and her grandmother who was disabled and could not walk. It was a massacre, bodies were torn to shreds. Three of the bodies have not yet been found.”*

The indiscriminate nature of the air strikes being launched daily against towns and villages makes it impossible for the civilian population to take protective measures – short of leaving the country.

DISREGARD FOR INTERNATIONAL HUMANITARIAN LAW (THE LAWS OF WAR)

The Syrian government has repeatedly denied that its forces carry out indiscriminate attacks or deliberately target civilian residential areas, and has often stated that its forces only target armed insurgents. Such assertions are flatly contradicted by the reality on the ground. The cases contained in this report and hundreds of other cases investigated by Amnesty International in previous months, and the many attacks witnessed by the organization's delegate on the ground, are evidence that indiscriminate attacks and direct attacks on civilians and civilian objects are widespread as well as systematic and have been consistently increasing over the past year.¹³

Where armed confrontations do occur in populated residential areas, the warring parties must take all feasible precautions to minimize harm to civilians. They must take precautions to protect civilians and civilian objects under their control against the effects of attacks by the adversary, including by avoiding - to the maximum extent feasible - locating military objectives within or near densely populated areas. International humanitarian law also expressly prohibits tactics such as using "human shields" to prevent an attack on military targets. However, failure by one side to separate its fighters from civilians and civilian objects does not relieve its opponent of its obligation under IHL to direct attacks only at combatants and military objectives and to take all necessary precautions in attack to spare civilians and civilian objects.

All over Syria both government forces and armed opposition groups are present and often operate in civilian residential areas. A fundamental rule of international humanitarian law is that all parties to a conflict – in this case Syrian government forces and opposition fighters (members of the FSA and other armed opposition groups, regardless of whether or not they are affiliated to the FSA) – must at all times distinguish between civilians (and civilian objects) and combatants (and military objectives). Attacks may only be directed against combatants and military objectives. In case of doubt, individuals and objects should be presumed to be civilian (and immune from attack).

Intentional attacks directed against civilians not taking part in hostilities, indiscriminate attacks (which do not distinguish between civilian and military targets), and disproportionate attacks (which may be expected to cause incidental harm to civilians that would be excessive in relation to the concrete and direct military advantage anticipated) are prohibited and constitute war crimes. These rules apply equally to all parties to armed conflicts (whether government forces or non-state armed groups) at all times without exception.

When parties are fighting in the vicinity of civilians they must choose appropriate means and methods of attack. This requirement rules out the use of certain types of weapons and tactics. The use of means and methods of combat that cannot be directed at a specific military objective may result in indiscriminate attacks and is prohibited. The widespread use by Syrian government forces of battlefield weapons that have a wide

impact radius and/or wide margin of error, or cannot be directed at specific targets, as well as their use of internationally banned cluster bombs, in populated residential areas has resulted in large numbers of civilian casualties. Attacks - such as those documented in this report - which government forces carry out knowing that they will cause massive civilian casualties and destruction of civilian objects, flagrantly violate the prohibition of indiscriminate attack and constitute war crimes. Shelling and bombardments of residential areas in which there are no opposition fighters or military objectives constitute direct attacks on civilians and are war crimes.

Opposition fighters, while mostly fighting with short-range light weapons, have at times also used imprecise mortars or inherently indiscriminate rockets in populated residential areas, putting civilians at risk and in contravention of the prohibition of indiscriminate attacks.

The fact that one of the parties to a conflict is systematically violating the rules of IHL does not in any way excuse the commission of similar violations by other parties. In this regard, Amnesty International reiterates its warning to all Syrian armed opposition groups and their leadership that, as they seek to procure or manufacture longer-range weapons, they should be fully aware that the prohibition of indiscriminate attacks applies equally to them. Any use of artillery, mortars, and unguided rockets in populated residential areas violates this prohibition and may constitute a war crime for which they will be held accountable.

ARBITRARY ARRESTS, ENFORCED DISAPPEARANCES, TORTURE AND EXTRAJUDICIAL EXECUTIONS CONTINUE – ALEPPO’S ‘RIVER OF DEATH’

Young men and boys in Aleppo are continuing to be subjected to enforced disappearances after being detained by government forces. Many have been missing for months; for some there is no news of their fate and whereabouts while for others families have managed to unofficially obtain some information – usually by paying corrupt security officials or thanks to contacts in the security forces.

Bodies of those who had disappeared in the custody of the various Syrian security agencies have regularly been found dumped in public places, often handcuffed behind their backs, with torture marks, and with gunshot wounds, most often to the head. In a previous visit to Aleppo in August 2012 Amnesty International documented several cases of young men and boys who had been arrested in the streets or at their homes, extrajudicially executed and their bodies then dumped in public places, often around the headquarters of the notorious Air Force Intelligence, which has proven track record of such practices.¹⁴

In the past two months a new and disturbing pattern has emerged: bodies of men and boys who had disappeared in previous days or weeks are being washed up in Aleppo’s Kweik River, most with their hands tied behind their backs and shot in the back of the head, apparently at close range. Some also have marks which suggest they were tortured before death.

The first incident occurred on 29 January 2013, when 82 bodies appeared in a stretch of the river in a part of the district of Bustan al-Qasr under the control of armed opposition groups, having floated there from an area under the control of government forces a few hundred metres upstream.

Since then, more than 90 other bodies have been recovered from the same spot in the river – all having floated there from the government controlled area upstream. They mostly appeared in small numbers until 10 March, when 23 bodies were found, followed by another 10 the following day.

On 3 March an Amnesty International delegate examined one of the bodies which had just been recovered from the river. On the face something had been written with a blue marker but had been partially erased by the water and mud (the body was floating face-down when it was found); on the forehead was written “Assad” and on the left cheek “Surya” (Syria); the writing on the right cheek and the chin could not be deciphered.

The victim, Ahmad Ali Salah Hamwi, was only identified two days later, together with the body of his 12-year-old son, Hassan, which had been recovered from the river the following day, with three other bodies.

Most bodies are buried without being identified as there is no functioning morgue or electricity to keep the bodies refrigerated. Local volunteers keep photographs of the bodies found in the river in a small office in the area, where families whose relatives are missing can go and look at the photos.

Among the bodies found on 29 January was a 15-year-old boy, ‘Abd al-Majid Reem Batsh and his 38-year-old uncle Majid Nunu. One of their relatives told Amnesty International: *“‘Abd al-Majid lived with his grandmother because his parents are working in Libya. On Sunday (27 January) he went with his uncle Majid [to the government-controlled areas] to register the birth of Majid’s new baby. They never returned home and on Tuesday (29 January) their bodies were found in the river. The boy had torture marks on his face and had been shot in the heart; his uncle had been shot in the head”*.

The body of another child, believed to be nine-year-old Mahmoud Abd al-Bari, was found in the river on 10 March 2013, together with 22 other bodies – the largest number of bodies found in a single day since 29 January.

Among those whose bodies were found in the river since 29 January was Mohammad Shaaban Mustafa, a 47-year-old railway worker. On the morning of 13 February he left his home in Bustan al-Qasr and went to work in the Baghdad Station area (under government control), as he did every day, but never returned home. His body washed up on the river the following morning with a large gunshot wound in the head.

The bodies are first sighted at a point very close to the government-controlled area but it is too dangerous to try to recover them from there because the area is exposed to government sniper fire. Instead local volunteers wait for the bodies to float another 300 metres or so downstream where they can be recovered more safely.

An Amnesty International delegate visited the area when bodies were recovered and examined the bodies and the sites where the bodies are first sighted and where they were recovered. The organization has received the names of more than 60 men and boys whose bodies were recovered from the river and has spoken to relatives of a number of victims. Most do not want to testify publicly or even to have their names or the names of their deceased relatives mentioned for fear of possible repercussions for themselves and their relatives who live or work in government controlled areas.

The victims who were identified either lived in, or had strong ties to, areas controlled by armed opposition groups, but went missing in government-controlled areas or while going to/returning from government-controlled areas. Many, according to their families, were not involved in politics or in the opposition activities and may have been targeted simply because they lived or spent time in opposition-controlled areas – a factor which may have been interpreted by government forces as evidence that the victims belong to or support the armed opposition groups which control parts of the city.

CONCLUSION AND RECOMMENDATIONS

Amnesty International and other international human rights organizations, as well as several UN mechanisms have repeatedly documented crimes against humanity, war crimes and other grave violations of international humanitarian law committed by Syrian government forces. The victims have been mostly civilians not involved in the conflict as well as members of the armed opposition.

This briefing provides fresh evidence that such crimes under international law are widespread as well as systematic, and are being perpetrated on an ever increasing scale and as part of state policy. These crimes appear aimed at terrorizing and collectively punishing communities living in areas under the control of armed opposition groups – who are seemingly suspected of supporting the armed opposition for the mere reason that they have remained living in these areas when these were taken over by one or other of the armed opposition groups operating in the country.

To the Syrian authorities

Amnesty International has repeatedly called on the Syrian authorities to:

- end to indiscriminate attacks against civilian areas. The increase in the scope and scale of indiscriminate attacks and direct attacks on civilians by government forces in recent months is yet more evidence of the Syrian government's contempt for international law, and demonstrates just how urgent the need is for decisive international action by the international community to curb the spiraling violations which are being committed daily with utter impunity;
- end arbitrary arrests, enforced disappearances, torture and other ill-treatment and extrajudicial executions and make clear to all government forces and militias that such violations will not be tolerated;
- provide full co-operation and unimpeded access to the independent international Commission of Inquiry to investigate all alleged crimes under international law and violations and abuses of international human rights law;

- allow international human rights monitors and humanitarian agencies prompt and unfettered access to Syria.

To the UN Security Council

As a first and urgent step, Amnesty International is calling on the UN Security Council to:

- refer the situation in Syria to the Prosecutor of the International Criminal Court (ICC). Such a step would make clear to all sides that those who order or carry out war crimes and crimes against humanity will be held accountable for their actions;
- immediately impose an arms embargo on Syria with the aim of stopping the flow of weapons to the Syrian government, and establish an effective mechanism to monitor compliance;
- demand prompt and unfettered access to Syria for the UN independent international Commission of Inquiry, humanitarian and human rights organizations and international journalists;
- implement an asset freeze against President Bashar al-Assad and his senior associates who may be involved in ordering or perpetrating crimes under international law.

To all Governments

Amnesty International is calling on all governments to:

- accept a shared responsibility to investigate and prosecute crimes against humanity and other crimes under international law committed in Syria or anywhere in the world. In particular, seek to exercise universal jurisdiction over these crimes before national courts in fair trials and without recourse to the death penalty;
- as part of this shared responsibility, establish joint international investigation and prosecution teams to investigate crimes under international law committed in Syria to improve the effectiveness of investigation, improve the chances of arrest and co-ordinate prosecutions.

¹ For example, see, among other Amnesty International reports: <http://www.amnesty.org/en/news/syria-all-out-repression-armed-conflict-aleppo-2012-08-01> and <http://www.amnesty.org/en/news-and-updates/report/climate-fear-syrias-hospitals-patients-and-medics-targeted-2011-10-25>

² Amnesty International has received the names of over 980 individuals reported to have died in custody since the uprising began in March 2011. For information concerning torture and other ill-treatment in Syrian prisons and detention centres, see Amnesty International, *Deadly detention: Deaths in custody amid popular protest in Syria*, Index MDE 24/035/2011, August 2011, <http://www.amnesty.org/en/library/info/MDE24/035/2011/en> and “*I wanted to die*”: *Syria's torture survivors speak out*, Index: MDE 24/016/2012, March 2012, <http://www.amnesty.org/en/library/info/MDE24/016/2012/en>

³ See for example: <http://www.amnesty.org/en/news/syria-fresh-evidence-armed-forces-ongoing-crimes-against-humanity-2012-06-13>

⁴ See for example: <http://www.amnesty.org/en/news/syria-civilians-bear-brunt-battle-aleppo-rages-2012-08-23> and <http://www.amnesty.org/en/news/syria-new-evidence-high-civilian-death-toll-campaign-indiscriminate-attacks-2012-09-19>

⁵ On 12 December 2012 US and NATO officials were quoted saying that Syrian government forces had used SCUD-type surface-to-surface ballistic missiles (see for example: <http://www.bbc.co.uk/news/world-middle-east-20705519> , <http://www.reuters.com/article/2012/12/12/us-syria-crisis-idUSBRE8AJ1FK20121212> , <http://www.nytimes.com/2012/12/13/world/middleeast/syria-war-developments-assad.html?hp&r=1&>

⁶ The Yabroud Local Coordination Committee posted a message on its Facebook page at 17.27 on 22 February 2013 stating that “three SCUD missiles had been launched northward”. See: <https://www.facebook.com/Yabroud.Revolution/posts/546049868749112>

⁷ See for example, Eliot Higgins’ (who writes the Brown Moses Blog) compilation of videos showing the use of such missiles: <http://www.youtube.com/playlist?list=PLPC0Udeof3T7n6OnL2ptkGgfjEztggeT9> and <http://brown-moses.blogspot.co.uk/2013/01/video-and-picture-evidence-of-scurd-type.html>

⁸ <http://www.youtube.com/watch?v=9vhHKZ1T2Uk&feature=youtu.be>

⁹ Amnesty International visited the area and examined the unexploded sub-munitions at the beginning of September 2012.

¹⁰ The Convention on Cluster Munitions (<http://www.clusterconvention.org/>) was adopted in 2008 and it entered into force in 2010. It prohibits all use, production, transfer and stockpiling of cluster munitions.

¹¹ http://www.aoi.com.eg/aoieng/military/mil_pro.html

¹² <http://brown-moses.blogspot.co.uk/2013/03/evidence-of-new-larger-cluster-bombs.html>

¹³ For a more detailed explanation of how international law applies to the parties to the non-international conflict in Syria see *Syria: Deadly Reprisals: Deliberate killings and other abuses by Syria's armed forces*, pp 51-60 (<http://www.amnesty.org/en/library/asset/MDE24/041/2012/en/30416985-883b-4e67-b386-0df14a79f694/mde240412012en.pdf>)

¹⁴ See: <http://www.amnesty.org/en/news/syria-civilians-bear-brunt-battle-aleppo-rages-2012-08-23> and <http://www.amnesty.org/en/library/asset/MDE24/073/2012/en/e39a6aa0-f700-4c4c-84c5-fb73edd3abac/mde240732012en.pdf>