



大会

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## 人权理事会

## 第四十八届会议

2021 年 9 月 13 日至 10 月 1 日

议程项目 4

需要理事会注意的人权状况

阿拉伯叙利亚共和国问题独立国际调查委员会的报告<sup>\*, \*\*</sup>

## 概要

阿拉伯叙利亚共和国问题独立国际调查委员会根据人权理事会第 46/22 号决议向其提交本报告，报告介绍了委员会对 2020 年 7 月 1 日至 2021 年 6 月 30 日期间发生在政府控制区、伊德利卜和阿勒颇西部、阿勒颇北部和雷斯艾因以及阿拉伯叙利亚共和国东北部的事件的调查结果。

\* 由于提交人无法控制的情况，达成了在标准发布日期之后发布本报告的协议。

\*\* 本报告附件不译，原文照发。



## 一. 任务和方法

1. 在编写本报告时，根据既定方法并遵循调查委员会和人权调查的标准做法，阿拉伯叙利亚共和国问题独立国际调查委员会<sup>1</sup>使用的主要依据是在该地区和从日内瓦进行的 538 次面对面访谈。<sup>2</sup> 委员会收集并分析了多个来源的文件、报告、照片、视频和卫星图像。<sup>3</sup> 委员会还以书面形式和在会议期间要求政府、冲突各方和联合国会员国提供有关事件、活动和发展的信息。<sup>4</sup> 如果委员会有合理理由相信发生了所描述的事件，并在可能的情况下相信所确定的交战方犯有违法行为，则认为达到了证据标准。

2. 委员会的调查仍因被拒绝进入该国以及对受访者的保护问题而受到限制。在所有情况下，委员会仍以“不伤害”的原则为指导。

3. 委员会感谢所有提供信息者，特别是受害者和证人。

## 二. 政治和军事事态

4. 2020 年 3 月 5 日的停火导致西北部的敌对行动大幅减少，但阿拉伯叙利亚共和国的局势仍然动荡。<sup>5</sup> 经济形势继续恶化，2019 冠状病毒病大流行使该国饱受战争摧残的卫生系统更加不堪重负。秘书长在 2020 年 3 月呼吁在全国范围内停火，并呼吁二十国集团成员放弃制裁，以确保民众获得食品和基本卫生用品，包括与冠状病毒病有关的支持，但这一呼吁仍未得到重视。

5. 平民在日常生活中面临越来越多的挑战。1 月初，叙利亚石油和矿产资源部宣布，由于供应链的延误，将减少燃料的分配——某些类型的燃料几乎减少了四分之一，这使许多人陷入极为困难的境地，而该部将这归咎于制裁的影响。<sup>6</sup> 2021 年 4 月 15 日，中央银行再次将叙利亚镑贬值，从 1,250 叙利亚镑/1 美元贬至 2,500 叙利亚镑/1 美元，<sup>7</sup> 导致商品和药品价格进一步上涨。

<sup>1</sup> 委员是 Paulo Sérgio Pinheiro (主席)、Karen Koning AbuZayd 和 Hanny Megally。

<sup>2</sup> 由于与 2019 冠状病毒疫情有关的旅行限制，大多数访谈远程进行。在本报告所述期间，委员会的工作还受到联合国经常预算流动性危机和相关预算削减的影响，这迫使委员会在这一时期的大部分时间里，在只有不到预期的 40% 的工作人员的情况下运作，严重限制了其调查范围。

<sup>3</sup> 阿拉伯叙利亚共和国政府定期就令人关切的局势向秘书长、安全理事会主席和其他方面发出同文信。委员会分析了该国政府在 2020 年 7 月 1 日至 2021 年 6 月 30 日期间提交的 68 封此类信件。

<sup>4</sup> 在 2020 年 6 月 5 日、6 月 30 日、10 月 16 日和 11 月 24 日以及 2021 年 5 月 31 日和 6 月 15 日的信函中，委员会要求阿拉伯叙利亚共和国政府提供有关问题和事件的信息(见附件四)，但没有收到答复。在同一时期，委员会向其他冲突方和联合国其他会员国提出了 59 项信息请求，并对随后的答复和交流表示感谢。

<sup>5</sup> 阿拉伯叙利亚共和国地图见附件一。

<sup>6</sup> 见 [www.sana.sy/?p=1292868](http://www.sana.sy/?p=1292868) (阿拉伯文)。

<sup>7</sup> 世界粮食计划署，《叙利亚国家办事处市场价格观察公报》，第 77 期，2021 年 4 月。

6. 世界粮食计划署发现，有 1,240 万叙利亚人(占人口的近 60%)处于粮食不安全状态，这是有史以来报告的最高数字，而 43%的人报告粮食消费情况不佳，这是去年报告数字的两倍。<sup>8</sup> 同时，测试能力落后、氧气供应严重短缺，以及 COVAX(获取冠状病毒病工具加速计划的疫苗支柱)下的疫苗交付缓慢，在冠状病毒病社区传播普遍存在的情况下，给抗疫工作造成了不利影响。<sup>9</sup>

7. 截至 2021 年 3 月，估计有 1,340 万叙利亚人需要人道主义援助，比 2020 年增加了 21%，其中 490 万居住在该国西北部。<sup>10</sup> 安全理事会在 7 月 9 日一致通过的第 2585(2021)号决议中，延长了跨境援助交付机制，尽管授权巴布哈瓦边境口岸为联合国人道主义物资的唯一入境点。

8. 与此同时，冲突仍在持续，军事局势仍然高度紧张，政府部队、非国家武装团体、联合国列名的恐怖团体和 5 支外国军队<sup>11</sup> 在十分靠近的范围内活动，尽管在此期间前线的状态没有变化(见附件二)。俄罗斯联邦部队为支持阿拉伯叙利亚共和国政府至少进行了 82 次空袭，而由美利坚合众国领导的国际反达伊沙联盟在阿拉伯叙利亚共和国至少进行了 56 次空袭。<sup>12</sup> 据报，美国至少又进行了额外 4 次空袭，2020 年 8 月在卡米什里附近进行了两次，2021 年 2 月和 6 月又在伊拉克边境附近对非国家武装团体进行了两次空袭。<sup>13</sup> 委员会跟踪了至少 19 起据报以色列军队对阿拉伯叙利亚共和国领土进行空袭的事件，包括 1 月 13 日对亲政府部队一次尤其致命的空袭。<sup>14</sup>

9. 伊德利卜省和周边省份仍然是暴力的中心，包括在降级区对俄罗斯和土耳其联合巡逻队的袭击。2021 年初，空中和地面攻击加剧，影响到已解除冲突的医院和天然气设施(见下文第四节)。

10. 在阿夫林和雷斯艾因地区，对平民来说，简易爆炸装置的引爆几乎每周都会发生。委员会记录了 7 起此类事件，至少造成 243 名妇女、男子和儿童死亡或伤残，并损坏了民用基础设施(见下文第五节)。

<sup>8</sup> 见 <https://news.un.org/en/story/2021/06/1094782> 和 <https://reliefweb.int/sites/reliefweb.int/files/resources/2021%2004%20WFP%20Syria%20External%20Situation%20Report%2004%20-%20April%202021.pdf>。

<sup>9</sup> 见 [www.emro.who.int/syria/news/update-on-covid-19-vaccination-in-syria.html](http://www.emro.who.int/syria/news/update-on-covid-19-vaccination-in-syria.html) 和 <https://reliefweb.int/sites/reliefweb.int/files/resources/Syrian%20Arab%20Republic%20-%20COVID-19%20Humanitarian%20Update%20No.%2026%20As%20of%2010%20June%202021.pdf>。

<sup>10</sup> 见 [https://reliefweb.int/sites/reliefweb.int/files/resources/syria\\_2021\\_humanitarian\\_needs\\_overview.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/syria_2021_humanitarian_needs_overview.pdf)。

<sup>11</sup> 伊朗伊斯兰共和国、以色列、俄罗斯联邦、土耳其和美利坚合众国。

<sup>12</sup> 委员会有记录的数据。另见 [www.inherentresolve.mil/Releases/Strike-Releases](http://www.inherentresolve.mil/Releases/Strike-Releases)。

<sup>13</sup> 见 [www.defense.gov/Explore/News/Article/Article/2516530/us-conducts-defensive-airstrikes-against-iranian-backed-militia-in-syria/](http://www.defense.gov/Explore/News/Article/Article/2516530/us-conducts-defensive-airstrikes-against-iranian-backed-militia-in-syria/) 和 [www.defense.gov/Newsroom/Releases/Release/Article/2672875/statement-by-the-department-of-defense](http://www.defense.gov/Newsroom/Releases/Release/Article/2672875/statement-by-the-department-of-defense)。

<sup>14</sup> 委员会有记录的数据。另见 2020 年 7 月 1 日至 2021 年 6 月 30 日期间阿拉伯叙利亚共和国政府给秘书长、安全理事会主席和其他方面的同文信，特别是 S/2021/46。关于亲政府部队的定义，见 A/HRC/46/54，第 19 段，脚注 27。

11. 在东北部，经济困难、不稳定的安全局势和自治政府<sup>15</sup> 不受欢迎的“规定”，在哈塞克和阿勒颇省引发了广泛的示威活动(见下文第六节)。达伊沙残余分子的存在继续对该地区的安全构成威胁，随着达伊沙攻击的增加，公众的不满情绪加深。
12. 阿拉伯叙利亚共和国的总统选举于 4 月 18 日宣布，于 5 月 26 日举行。自 2000 年以来领导阿拉伯叙利亚共和国的总统巴沙尔·阿萨德以 95% 的票数再次当选。投票仅限于政府控制区和部分海外侨民，选举的可信度受到质疑，而联合国并未对选举进行监督。<sup>16</sup>
13. 在选举之前，总统在 5 月 2 日赦免了被认定犯有走私、滥用毒品和外汇交易等罪行的人。据报，有限数量的囚犯随后被释放。
14. 在报告所述期间，将根据安全理事会第 2254(2015)号决议起草新宪法的宪法委员会举行了三轮会议。秘书长叙利亚问题特使裴凯儒在 2020 年末告知安理会，重大分歧依然存在，包括在总体层面上，阻碍了在推动政治解决方案方面取得切实进展。
15. 卡塔尔、俄罗斯联邦和土耳其外交部长于 3 月 11 日在多哈会晤，讨论阿拉伯叙利亚共和国问题。会后，土耳其外交部长宣布，三国启动了一个新的三边协商进程，以促进阿拉伯叙利亚共和国实现持久政治解决方案，但他指出，这一进程并不是为了破坏阿斯塔纳会谈。
16. 秘书长宣布于 2021 年 1 月 21 日成立、由三人组成的阿拉伯叙利亚共和国人道主义消除冲突独立高级咨询小组，负责就如何加强消除冲突机制向秘书长提出建议。
17. 在本报告所述期间，在阿拉伯叙利亚共和国境内使用化学武器的问题仍然是安全理事会和禁止化学武器组织议程上的重要问题。4 月 12 日，禁止化学武器组织的调查和鉴定小组发布了第二份报告，结论是有合理理由相信，2018 年 2 月 4 日，叙利亚空军的一架直升机在萨拉奎布地区至少投放了一筒氯气，至少影响到 12 人。<sup>17</sup> 4 月 22 日，《关于禁止发展、生产、储存和使用化学武器及销毁此种武器的公约》缔约国大会通过一项决定，暂停阿拉伯叙利亚共和国在该公约下的某些权利和特权。<sup>18</sup>
18. 在追责方面，2 月 24 日在德国科布伦茨作出了与阿拉伯叙利亚共和国国家酷刑有关的第一个判决。另外，荷兰和加拿大相继宣布，他们希望根据《禁止酷刑和其他残忍、不人道或有辱人格的待遇或处罚公约》第 30 条，追究阿拉伯叙利亚共和国政府对严重侵犯人权和酷刑行为的责任。<sup>19</sup>

<sup>15</sup> A/HRC/45/31，第 12 段。

<sup>16</sup> 例如，见 S/PV.8805 和 [www.un.org/press/en/2021/db210525.doc.htm](http://www.un.org/press/en/2021/db210525.doc.htm)。

<sup>17</sup> 另见 A/HRC/39/65，第 55 段。

<sup>18</sup> 见 [www.opcw.org/media-centre/news/2021/04/conference-states-parties-adopts-decision-suspend-certain-rights-and](http://www.opcw.org/media-centre/news/2021/04/conference-states-parties-adopts-decision-suspend-certain-rights-and)。

<sup>19</sup> A/HRC/46/55，第 99 段。

### 三. 政府控制区

#### A. 开展敌对行动

19. 在本报告所述期间，阿拉伯叙利亚共和国南部地区，特别是德拉省，出现了越来越多的不安全状况，包括定点清除和武装人员与国家安全部门之间的冲突。一些冲突发生后，政府部队要求将某些人驱逐到武装团体控制的地区。有几次使用了类似于围困的战术，对当地社区施加压力，以使其顺从。

20. 2020 年 9 月，在大马士革农村的凯纳基尔，政府军和居民之间的关系持续紧张。9 月 20 日，空军情报局在基斯瓦和丹农地区之间的泰贝桥临时检查站的官员逮捕了 3 名妇女和一名 3 岁女童，第二天在该镇引发了抗议活动。政府军要求这些妇女的亲属投降，以换取她们的释放。9 月 22 日，当人们聚集在该检查站等待移交时，军事安全部队成员逮捕了受害者的一名男性亲属。另一名男子在随后的几天里被逮捕。一些武装人员与政府安全部队之间的对抗变成了致命事件，导致军事安全部队第 220 分部的一名官员死亡，两名官员受伤。此后，政府军包围了凯纳基尔，阻止行动，并拒绝食品、燃料和非食品物品进入至少 12 天，使大约 3 万名居民受到损害。

21. 几周后，2020 年 11 月 8 日，不明身份的武装人员袭击了德拉省卡拉克东部的空军情报局检查站，导致 5 名政府官员死亡，另外两人受伤。随后，亲政府部队包围了该镇，实行封锁，限制了约 30,000 人的行动自由。医疗保健等服务以及食品和非食品物品的获取受到严重限制。政府军要求一些人投降，将他们和他们的家人转移到政府控制之外的地区，并交出武器，包括那些据称在检查站对抗中被夺走的武器。平民报告说，他们必须支付超过 100 美元的贿赂才能通过检查站，而且他们害怕被捕，特别是如果他们与被通缉者有亲属关系的话。5 天后，政府安全部队在俄罗斯军队支持的第八旅在场的情况下搜查了被通缉者的房屋。一位受访者回忆说，在搜查过程中，政府安全部队拿走了他的手机和相机。据称，没有被通缉者向政府军投降，但其中一人和他的孩子 2020 年 12 月 7 日在自家门前被身份不明的人枪杀。

22. 在庫奈特拉省 Umm Batinah 村，在两名居民被拘留的紧张局势下，2021 年 5 月 1 日，身份不明的武装分子袭击了军事安全部队的一个检查站。作为回应，政府安全部队包围了这个约有 5,000 名居民的村庄，并要求一些居民投降，或将他们赶到阿拉伯叙利亚共和国北部。由于这些人没有投降，政府部队对该镇发动了迫击炮袭击。5 名妇女和她们的孩子在试图逃离时在一个检查站被逮捕。为避免对 Umm Batinah 进行全面地面攻击，包括妇女和儿童在内的约 100 人在护送下被运走，并于 2021 年 5 月 23 日抵达巴布。

23. 从 6 月 24 日开始，亲政府部队关闭了进出 Dar'a al-Balad 南部居民区的大部分通道，阻碍平民获得水、食物和药品，持续数周。据报，亲政府部队要求当地派别交出轻型个人武器，但他们拒绝服从这一要求。调查正在进行中。

24. 在德拉，定点清除<sup>20</sup> 或企图清除的事件也在增加；有几起事件似乎是当地武装人员的报复性行为。委员会试图调查 2020 年 7 月至 2021 年 2 月期间发生的 18 起此类事件，并另收到了数百份报告。

25. 虽然有些杀戮可能是在普遍不安全的情况下发生的谋杀，但其他杀戮则一般是冲突方针对特定个人的情况。受害者包括具有不同政治倾向的地方政治领导人，以及法官、医务工作者和前武装团体成员，其中一些人以前曾与政府“和解”<sup>21</sup> 过。

26. 在一起事件中，德拉省 Tall Shihab 镇的 Ahmed Fayez al-Hasheesh 于 2021 年 4 月 22 日中午左右被杀。骑摩托车的武装人员当着他孩子的面，将受害者打死在他的车里。在武装团体控制德拉期间，他曾是一名著名的战地辅助医务人员。据报，他曾抵制“和解”。在另一起案件中，一名前法官和和解委员会成员于 9 月 10 日在他家门口被身份不明的武装人员枪杀。

27. 在其他事件中，2020 年 10 月 31 日，德拉省 Taybeh 镇支持政府的市长 Maria al-Zou'bi 据说在她家门口被骑摩托车的身份不明枪手射杀，但未被击中。据报，两个月前，有人向她的房子投掷炸药，但谋杀她未遂。2021 年 1 月 7 日晚，德拉省贾西姆市市长在 Tibnah 村附近被身份不明的武装人员枪击，当时他的家人在场。该市长后来因伤势过重而死亡。

## 调查结果

28. 亲政府部队使用所述的围困战术(见上文第 20 至 22 段)，侵犯了生活在这些地区的人们的权利，包括他们的行动自由、食物和健康权，并可能构成集体惩罚形式的战争罪。还有合理理由认为，政府军还采取了劫持人质的做法，这将构成战争罪。

29. 上述定点清除，如果由冲突方实施，则违反了禁止直接攻击平民的规定，构成谋杀形式的战争罪。没有迹象表明，政府对这些杀戮行为展开了任何调查。<sup>22</sup>

## B. 逮捕和拘留

30. 2021 年 3 月，委员会向人权理事会提交了一份报告，内容涉及阿拉伯叙利亚共和国 10 年来在拘留方面的做法。<sup>23</sup> 在报告所述期间发现的侵权行为使支持报告所载结论的大量证据进一步增加。

31. 根据记录，继续发生拘留期间的死亡事件，在报告所述期间，仅从德拉和大马士革农村省就收到 13 份报告。在一个例子中，一名来自贾西姆的男子在政府军于 2018 年夺回该地区后，被军事安全部队逮捕，他已经“和解”。2021 年 5 月，他的家人通过非正式政府联络人获悉，他已于 2020 年 7 月在拘留期间死亡。没有收到尸体或死亡证明。

<sup>20</sup> A/HRC/45/31，第 17 段。

<sup>21</sup> A/HRC/46/54，第 16 段。

<sup>22</sup> 委员会要求阿拉伯叙利亚共和国政府提供这方面的信息，但没有收到。

<sup>23</sup> A/HRC/46/55。

32. 幸存的被拘留者报告说，在政府安全部门和 Saydnaya 军事监狱有数百人死亡，在转移到 Tishrin 军事医院后有数十名被拘留者死亡。在 Saydnaya，被拘留者报告说，由于对囚犯的酷刑和不人道及有辱人格的待遇，在押人员继续死亡，饥饿和肺结核很普遍。<sup>24</sup>

33. 一些受访者解释说，不管有任何“和解”身份，任意逮捕的阴影仍然无处不在，阻碍了他们的行动自由。<sup>25</sup> 例如，一名来自霍姆斯的年轻人描述了他如何在政府支持的“和解”进程下于 2019 年 12 月返回阿拉伯叙利亚共和国。他向叙利亚安全机构提交了返回的申请，在进入该国时，他在边境与当局进行了“和解”。随后，他被要求去霍姆斯的政治安全局分部报到。他独自前往，并被逮捕和拘留了 3 个半月，被关押在 5 个以上不同的拘留设施中，在他的家人行贿后被释放。他描述了在整个拘留期间，他受到不同官员以及大马士革军事情报局 235 分局医务人员施加的酷刑。

34. 禁止与外界接触的羁押和强迫失踪的情况仍然普遍存在。正如以前记录的那样，政府部队和官员继续隐瞒被拘留者的命运和下落，并勒索大笔钱财，以此作为向家属提供信息的交换。

35. 例如，作为总统大赦的部分措施，一名被拘留者于 2020 年获释，但是在支付了一笔贿赂之后。他报告说，在 9 年的拘留期间，他被关押在条件恶劣的军事情报局 291 和 248 分局，并在 Saydnaya 军事监狱遭受酷刑。他在被转移到苏韦达省一所监狱前 4 个月才得知对他的判决结果。

36. 在另一起案件中，一名媒体活动家于 2019 年 9 月 18 日在阿勒颇的空军情报局检查站被捕，并被转移到其他三个军事情报部门(第四师办公室、215 分局，然后是也称为巴勒斯坦分局的 235 分局)，之后被关押在 Saydnaya 军事监狱并被禁止与外界接触。他说，在所有这些设施中，他都受到了酷刑和性暴力。他还报告说，在军事情报部门被拘留期间，他与 12 至 17 岁的未成年人关押在一起，包括在巴勒斯坦分局。他于 2020 年 12 月 11 日获释。

## 调查结果

37. 上述任意拘留案件补充了委员会 2021 年 3 月关于拘留问题的报告中已经描述的大量证据，<sup>26</sup> 委员会在报告中记录了危害人类罪和战争罪持续存在的模式。数以万计的人仍被政府部队在禁止与外界接触的情况下拘留或强迫失踪。关于上述的拘留期间死亡案件，委员会没有了解到启动了任何调查。

<sup>24</sup> 另见 A/HRC/46/55，第 24 段。

<sup>25</sup> 另见 A/HRC/36/55，第 20 至 22 段。

<sup>26</sup> A/HRC/46/55。

## C. 住房、土地和财产权

38. 在阿拉伯叙利亚共和国西北部，特别是在阿勒颇省、哈马省和伊德利卜省，在政府军重新控制的地区通过公开拍卖没收财产和土地，继续阻碍境内流离失所者的回返。受影响的地区包括种植高价值作物(如开心果和橄榄树)的耕地。其中一些土地在被夺回后被烧毁或破坏，而其他土地则被亲政府部队耕种，为当局和特定个人创造利润。

39. 2020年10月，阿勒颇省、哈马省和伊德利卜省的地方当局开始拍卖年度租约，据称是为了让个人在土地所有者仍然流离失所时耕种土地。农业和土地改革部于11月24日宣布，这些省份的拍卖目标是耕种所有能够种植小麦的闲置农田。然而，受访者称，拍卖往往只是一个幌子，目的是使各种亲政府势力对属于流离失所者的土地已经存在的侵占和剥削正式化，并指出土地的使用情况在拍卖前后没有变化。

40. 在哈马省，安全和军事委员会制定的行政命令载有关于在2020年10月至11月期间进行约19次公开拍卖的公告，包括农业用地的拍卖。哈马省的一位农民报告说，他的大片土地被公开拍卖，而在其余土地上，树木被连根拔起，被当地民兵当作柴火出售。

41. 10月在伊德利卜省的一项公告进一步称，正在对农业银行债务人拥有的土地进行公开拍卖。然而，受影响的受访者一致否认他们在农业银行有债务，并表示担心拍卖是一个借口，是从所有者手中永久夺取土地的第一步。

42. 与此同时，阿拉伯叙利亚共和国政府继续根据反恐怖主义法(第19/2012号)没收平民财产。<sup>27</sup> 此外，在财政部根据最近对《征兵法》(第30/2007号)第97条的修正作出决定后，个人及其家庭成员的资产也被冻结。调查正在进行中。

### 调查结果

43. 上述没收私人财产的行为，特别是那些可能带来个人利益的行为，可能相当于掠夺，这是国际人道主义法律严格禁止的，相当于战争罪。流离失所者的财产权也作为国际人道主义法的一项习惯规范受到特别保护，所有各方都必须尊重。私人财产也受到国际人权法的保护，因为任何人的财产都不能被任意剥夺。

## 四. 伊德利卜和阿勒颇西部

44. 自2020年3月5日停火以来，该国西北部的暴力事件减少，最初导致许多流离失所的平民返回。<sup>28</sup> 然而，敌对行动在2021年初增加，包括空中和地面进攻。持续的攻击破坏了民用基础设施，包括市场和医院。此外，天然气设施和重要的经济供应路线在3月的袭击中受到进一步影响，使重要资源的供应和援助物

<sup>27</sup> A/HRC/40/70，第80至82段。

<sup>28</sup> 见 [https://reliefweb.int/sites/reliefweb.int/files/resources/syria\\_2021\\_humanitarian\\_needs\\_overview.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/syria_2021_humanitarian_needs_overview.pdf)，第16页。



资的分配受到影响(见下文第 59 至 63 段)。有几次攻击与之前记录的 2019 年 11 月至 2020 年 3 月期间对伊德利卜省和阿勒颇省西部的攻击模式相似。<sup>29</sup>

45. 最近,以伊德利卜 Jabal al-Zawiyah 地区为重点的毁灭性攻击导致到 6 月中旬有超过 11,000 人流离失所。<sup>30</sup> 调查工作正在进行中。

46. 除了政府部队的攻击,加重了整个伊德利卜省和阿勒颇省西部地区平民的苦难,武装团体成员还加强了对政府控制区的地面攻击,主要影响到居民区并造成平民伤亡。在敌对行动之外,沙姆解放组织<sup>31</sup> 成员还继续以伊德利卜省的记者和活动人士为目标,在其控制的地区系统性地限制言论自由。该组织的“救世政府”还强加“规定”,限制媒体工作者旅行和履行基本新闻职能的能力。

## A. 亲政府部队

### 伊德利卜省

47. 2019 年 11 月至 2020 年 3 月,政府军和反对派团体为控制伊德利卜省和阿勒颇省西部地区展开了战斗,迫使活跃前线附近战略地点的许多居民逃离家园。

48. 在 2019 年底试图夺回埃里哈后,政府军在 2020 年 7 月重新开始为此努力。例如,2020 年 7 月 14 日下午 2 点左右,亲政府部队进行了一次地对地攻击,包括至少 8 枚火箭弹,据说是来自 Saraqib 分区的 Kafr Battikh 村。这次攻击袭击了埃里哈东部的一个居民区,至少损坏了两座民房、一所学校和一个水厂,据说该水厂被用来向该镇一半以上的居民配送饮用水。一名男子和一名 12 岁男童被炸死,另有 5 人受伤,包括 4 名儿童。受访者称,弹药还引发了火灾,摧毁了农作物。

49. 委员会分析的残余物和影响图像显示,亲政府部队使用了格拉德导弹,可能是从一个多管火箭发射器发射的。证人表示,这次袭击可能是对同一天早些时候进行的车载简易爆炸装置袭击的回应,该袭击攻击了在 M4 公路上巡逻的俄罗斯和土耳其车队。

50. 10 月和 11 月,夺回埃里哈的努力加速进行。10 月 28 日,据报驻扎在 Saraqib 的亲政府部队在上午 9 时至下午 1 时之间对该镇进行了炮击。袭击至少造成两名男子和一名男童死亡,另有 8 名平民受伤,包括一名男童、一名女童和一名妇女。至少有 5 枚弹药击中了霍尔市场的入口,损坏了几家商店和附近的 Sado' 学校。其中一名受害者是一名 15 岁的男童,他在市场的一家机械店内工作时被杀。

51. 11 月 4 日上午 7 时 30 分至 8 时,亲政府部队再次对埃里哈发动地面攻击,造成 4 名平民死亡,包括两名救援人员和一名 10 岁女童,另有 5 人受伤,包括一名

<sup>29</sup> 一般信息见 A/HRC/44/61。

<sup>30</sup> 见 <https://reliefweb.int/report/syrian-arab-republic/syria-mvam-bulletin-56-june-2021>。

<sup>31</sup> 尽管该团体的名称在 2016 年 7 月从“支持阵线”改为“沙姆法塔赫阵线”,并在 2017 年初改为“沙姆解放组织”,但委员会仍然认为该团体是安全理事会第 2170(2014)号决议指定的恐怖主义实体,在全球范围与基地组织有关联(例如见 A/HRC/46/54, 第 7 段)。

妇女。受访者描述说，大约 35 枚弹药击中了该市东部和北部的居民区，在街道和 Sado' 学校的操场上造成了明显的弹坑，并损坏了民房和一辆人道主义车辆。

52. 与之相似，2021 年 3 月 6 日下午 3 时 45 分左右，在 20 分钟内，亲政府部队至少发射了 12 枚弹药，袭击了埃里哈东部居民区的多个地点，包括第二次袭击霍尔市场和邻近居民区。一名男子被打死，至少还有 5 名平民受伤，包括 3 名女童和一名男童。其中一枚弹药击中了当地救援人员办公室附近的地区，并摧毁了附近的一座民房。在委员会记录的所有上述袭击事件中，受访者都没有提到受影响的地点附近有任何军事目标。<sup>32</sup>

53. 一个月后的 4 月 8 日，在位于埃里哈附近的 Jisr al-Shugur 区 Najeya 村，一辆行驶中的车辆被直接击中，该村靠近活跃前线 and 军事观察点。委员会注意到，这次袭击可能使用了制导弹药，导致两名男子、两名妇女和 3 名儿童死亡，至少有 3 名儿童受伤。

### 阿勒颇西部

54. 在上述对埃里哈的攻击的同时，政府军开始重新夺回阿塔里卜镇。例如，2021 年 3 月 21 日上午 8 时 30 分左右，在 20 分钟内，至少有 6 枚火箭弹射向阿塔里卜的一家“解除冲突”的山洞医院，其中 3 枚直接击中该设施。<sup>33</sup> 至少有 8 名平民患者，包括一名妇女和两名男童被杀害，另有 13 人受伤，包括 5 名医务工作者。袭击进一步破坏了重要的医疗设备和一台发电机，并几乎摧毁了骨科诊所的入口和地下楼层候诊室。

55. 在阿塔里卜妇幼医院遭到破坏后，该设施一直作为外科和儿科医院运营，<sup>34</sup> 据说每月提供约 3,650 次门诊医疗服务，170 多次普通科、骨科、外科、急诊和产科服务，但在遭到袭击后停止运营。<sup>35</sup>

56. 受访者指出，该医院位于农村地区，距离阿塔里卜约两公里，靠近民房，附近没有已知的军事目标。该设施建在一个山洞里约 7 米处，有两个地下楼层。

57. 目击者描述，看到包括儿童和医务人员在内的病人躺在地上，身上有明显的弹片伤和大面积烧伤。一位受访者讲述了爆炸的压力如何导致入口处的门被锁住，迫使病人和医务人员使用紧急出口，而几分钟后，该出口又被另一枚火箭弹击中。连续的爆炸阻挡了任何可能的出口，使受害者在设施被摧毁时被困在里面。

<sup>32</sup> 委员会要求阿拉伯叙利亚共和国政府和俄罗斯联邦政府提供这方面的资料，但没有收到任何答复。

<sup>33</sup> 另见 A/HRC/44/61，第 43 至 45 段、第 56 段、第 75 至 76 段。

<sup>34</sup> A/HRC/44/61，第 45 段。

<sup>35</sup> 见 <https://reliefweb.int/report/syrian-arab-republic/five-sams-medical-staff-injured-airstrikes-al-atareb-surgical-hospital>。

58. 与目击者的证词一致，委员会分析的残余物的视频和照片表明，亲政府部队使用了一种先进的制导导弹。此外，受访者还说，在攻击中使用了标准的炮击，据说是来自政府控制区。

## B. 袭击扰乱了缓冲区的经济活动

59. 在长期的燃料短缺和严重经济危机中，亲政府部队发动了几次袭击，影响了大量人口的资源提供、货物获取和燃料供应。

60. 2021 年 3 月 5 日晚 7 点至 7 点 30 分，在阿勒颇省 Jarabulus 镇附近的 Hamran 农村地区，一次使用集束弹药的地对地攻击击中了一个停车区，并损坏了初级炼油厂。受访者将该地区描述为“缓冲区”——原油从哈塞克省和代尔祖尔省装运，通过 Hamran 的一个过境点，运到阿拉伯叙利亚共和国的北部地区。至少有 4 人死亡，27 人受伤；许多石油集装箱和卡车被完全摧毁。

61. 大约一小时后，当救援人员赶去帮助受害者时，亲政府部队进行了第二次袭击，袭击了靠近杰拉布卢斯的巴布 Tarhin 村附近的初级炼油厂。袭击造成的爆炸使至少一名救援人员死亡，另有 4 名平民受伤，同时损坏了周围的设施和油罐。与目击者的证词一致，委员会分析的残余物和损害的照片表明，使用了火箭发射的集束弹药。委员会收到报告称，3 月 15 日或前后在同一地区发生了更多袭击事件。对这些袭击的调查正在进行。

62. 2021 年 3 月 21 日，在轰炸阿塔里卜医院数小时后(见上文第 54 至 58 段)，亲政府部队对巴布哈瓦/萨尔马达轴线进行了两次攻击。下午 4 时 30 分左右，一枚火箭弹袭击了靠近萨尔马达的一家石油公司，造成物质损失，但没有人员伤亡。大约 30 分钟后，多次空袭击中一个天然气设施，并摧毁了停在巴布哈瓦过境点附近的大约 18 辆拖车。至少有 3 枚弹药击中了该地区，造成一名男子死亡，另外 3 人受伤。爆炸点燃了 15 辆卡车，并损坏了停在附近停车区的另外 30 辆卡车，以及附近的 3 个人道主义后勤中心，迫使非政府组织暂时停止运作。该地区除了有最后一个开放的援助物资过境点外，<sup>36</sup> 还是区域的主要经济和供应路线以及人道主义中心，有许多非政府组织的后勤设施和流离失所者营地。袭击进一步扰乱了货物流通，并导致燃料价格上涨，使本已严峻的人道主义局势雪上加霜。

63. 委员会获得的信息，包括飞行观测员的报告表明在上述事件中，至少有一架俄罗斯固定翼飞机和一架无人机在前往受影响地点的途中，并在该地区盘旋。委员会没有收到任何信息表明，在袭击发生时，有任何叙利亚飞机出现在受影响地区附近。

<sup>36</sup> 见 [https://cdn.logcluster.org/public/logistics\\_cluster\\_syria\\_cross-border\\_operations\\_2020.pdf](https://cdn.logcluster.org/public/logistics_cluster_syria_cross-border_operations_2020.pdf) 和 [https://reliefweb.int/sites/reliefweb.int/files/resources/20210326\\_sitrep\\_26\\_final.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/20210326_sitrep_26_final.pdf)。

## 调查结果

64. 根据上述事实，委员会有合理理由认为，亲政府部队违反了国际人道主义法的区分原则，发动了不分皂白的攻击，破坏了包括医院和学校在内的民用基础设施，并阻碍人们获得燃料和人道主义物资等生存所必需的物品，包括为此使用集束弹药。此外，上述导致平民死亡或受伤的不分皂白的攻击可能构成战争罪。另外，关于对阿塔里卜山洞医院的袭击(见上文第 54 至 58 段)，委员会有合理理由认为，由于附近没有已知军事目标、使用制导弹药和先前观察到的模式，<sup>37</sup> 亲政府部队可能犯下了指挥攻击医疗设施的战争罪。

## C. 沙姆解放组织和其他非国家武装团体

### 开展敌对行动

65. 由于 3 月的停火协议一再被违反，<sup>38</sup> 居住在政府控制区的平民继续遭受武装团体的攻击。他们对自己的安全感到担忧，不知下一次攻击何时会到来。例如，在 3 月 21 日的攻击之后(见上文第 54 至 58 段和第 62 至 63 段)，下午 3 点左右，武装团体对阿勒颇东部发动了地面攻击，袭击了政府控制的几个居民区。受访者描述了弹药如何袭击了萨利欣居民区，破坏了一个市场和当地的墓地。几分钟后，另一枚据说来自阿塔里卜地区的弹药击中了 Firdaws 社区一个市场附近的民房和一座清真寺。至少有 2 名平民被杀，另有 15 人受伤，包括 3 名妇女和 2 名儿童。

66. 6 月 20 日，武装团体对距哈马约 90 公里的 Jurin 镇发动了另一次攻击，该镇位于具有战略意义的 Ghab 平原地区。受访者告诉委员会，一个政府军营位于 Jurin 镇郊区。一位受访者回忆说，大约在中午时分，子弹击中了他表兄的房子，当表兄冲向外面的孩子时，他两岁的女儿被弹片击中头部。女孩死亡，她的父亲和 4 岁的哥哥受伤。收到的信息表明，对 Jurin 的袭击一直持续到 6 月下旬。对后来袭击的调查正在进行中。

### 剥夺自由

67. 沙姆解放组织继续像以前记录的那样限制言论自由，包括媒体活动，以此遏制政治异议。<sup>39</sup> 委员会记录了 8 起拘留媒体活动家和记者的案件。

68. 被拘留者报告说，他们被监禁且禁止与外界接触，没有被告知逮捕的原因，并且在监禁期间从未被带到任何正规的法院。

69. 例如，一名记者回忆说，10 月 2 日，他在批评伊德利卜民事登记处的在线婚姻登记程序后，被沙姆解放组织传唤出庭，指控他诽谤。抵达后，他被迫在一份包含供词的文件上按下手印，被蒙上眼睛并被转移到一个地下设施，在那里过了一夜。第二天，他被转移到第三个地方，3 天后，在公众不满情绪高涨的情况下被释放。

<sup>37</sup> A/HRC/37/72，第 73 至 74 段。

<sup>38</sup>例如，见俄罗斯联邦国防部在报告期内发布的关于建立降级区备忘录执行情况的定期信息公告。

<sup>39</sup> A/HRC/40/70，第 54 至 57 段。

70. 正如以前记录的那样，<sup>40</sup> 女性媒体工作者和活动人士受到了双重伤害，包括因行使其言论自由，如公开反对沙姆解放组织的统治。在一个标志性的例子中，一名活动人士被沙姆解放组织成员监禁了至少 3 个月并禁止其与外界接触，直到她在 2021 年 1 月获释。在另一个案例中，3 月 8 日，一个教育组织在伊德利卜的集会上敦促妇女拒绝一夫多妻制婚姻，随后，沙姆解放组织成员冲进了该组织的房舍。沙姆解放组织成员没收了房舍的钥匙，并在关闭办公室前与工作人员发生争执。

71. 与此同时，“救国政府”实施了新的规定，包括对记者的强制认证。受影响的人向委员会说明，最新措施的实施可能是沙姆解放组织阻止自由新闻工作的一种方式。记者们还回顾说，这种规定使他们的报道工作变得更加复杂，例如，在整个省都设有检查站。还有记者担心会受到骚扰和恐吓，因为登记要亲自前往沙姆解放组织的驻地，由沙姆组织的成员进行。

### 调查结果

72. 委员会的结论是，有合理理由相信，非国家武装团体成员继续违反区分原则，不分皂白地攻击居民区，造成平民伤亡和破坏。这可能构成发动不分皂白的攻击、造成平民死亡或受伤的战争罪。

73. 还有合理理由认为，沙姆解放组织成员继续<sup>41</sup> 非法和任意剥夺平民的自由，包括记者和妇女活动人士，他们因行使其基本自由而被拘留，司法保证没有得到尊重。沙姆解放组织的措施进一步限制了言论自由的权利，对媒体产生了影响。

## 五. 阿勒颇北部和雷斯艾因地区

74. 在本报告所述期间，阿夫林和雷斯艾因地区的平民遭受了更多暴力，包括大量的汽车炸弹和炮击，造成数十名男子、妇女和儿童伤亡，破坏了民用基础设施。在反对派叙利亚国民军的保护伞下行动的部队继续侵犯平民的国际人权，使脆弱的安全局势更加复杂。<sup>42</sup>

### A. 开展敌对行动

75. 在本报告所述期间，据报在阿夫林和雷斯艾因至少发生了 59 起涉及使用爆炸装置的事件，造成约 641 人伤亡。<sup>43</sup> 委员会记录了在人群密集区发生的 7 起此类爆炸事件，在叙利亚国民军控制的地区造成至少 243 人伤亡。2020 年 9 月 14 日下午 6 时左右，一个车载简易爆炸装置在阿夫林市 Kawa 环岛附近爆炸，造成

<sup>40</sup> A/HRC/44/61，第 103 至 104 段。

<sup>41</sup> A/HRC/46/55，第六.A 节和第八节。

<sup>42</sup> A/HRC/46/54，第 18 段。

<sup>43</sup> 机密提交的信息。

10 名平民死亡，包括一名男童，另有 31 人受伤，包括 3 名妇女和 7 名儿童。一位受访者描述了从被爆炸击中的车辆中搬出 4 名平民烧焦尸体的情况。

76. 两周后，10 月 6 日下午 1 时左右，一辆载有简易爆炸装置的卡车在阿勒颇省巴布镇爆炸，至少造成 21 人死亡，包括 4 名儿童，另有 60 人受伤，其中包括 3 名人道主义工作人员。据目击者描述，该地区属于民用性质，有许多商店和餐馆，此外还有一个繁忙的交通环岛和一个巴士站。一个月后的 11 月 24 日，在巴布镇郊区的一个商业区发生了另一起爆炸，造成 5 名平民死亡，16 人受伤。

77. 之后，2021 年 1 月 30 日，一个车载简易爆炸装置在阿夫林的 Sina'a 商业区爆炸，至少造成 6 名平民死亡，包括 3 名男童，另有 29 人受伤，包括 3 名妇女和 8 名儿童。第二天，即 1 月 31 日，另一个此类装置在 I'zaz 的一个市场区爆炸，造成 6 名平民死亡，包括一名妇女和两名女童，另有 25 人受伤，包括两名男童和一名女童。

78. 在雷斯艾因地区，也记录了涉及使用车载简易爆炸装置的袭击事件。例如，2020 年 9 月 26 日下午 5 时 30 分左右，此类装置在雷斯艾因南部的一个商业区爆炸，造成 7 名平民死亡，包括 2 名儿童，另有 11 人受伤，其中包括至少 1 名儿童。2 月 25 日，在雷斯艾因一个市场附近的类似商业区，一个放置在面包车上的车载简易爆炸装置被引爆，至少有 4 人死亡，包括 2 名儿童，另有 12 人受伤。

79. 在 6 月 12 日一次尤其恶劣的袭击中，火箭和大炮轰击了阿夫林市的多个地点，造成至少 16 人死亡，20 人受伤，包括儿童和医疗及救援人员。据目击者描述，下午 6 点左右，弹药击中了通往 Jindayris 的主要道路附近的农田和 Ibn Sina 医院附近的几处民房。几分钟后，至少有 8 枚弹药射入阿夫林中部的一个居民区，至少有 3 人死亡，其中包括一名叙利亚国民军战士。下午 6 时 30 分至 7 时，当居民将受害者送往附近约两公里外的 al-Shifa 医院时，又有 8 枚弹药直接击中了医院东侧，摧毁了受害者刚刚被送入的急救室。产科和儿童科也遭到了破坏。袭击发生后，土耳其和反对派武装团体指责库尔德人民保护部队和库尔德斯坦工人党蓄意袭击医院，而包括库尔德人民保护部队的叙利亚民主力量<sup>44</sup> 则谴责了这次袭击。调查正在进行中。

## B. 剥夺自由

80. 主要是库尔德人的平民继续被叙利亚国民军各旅的成员非法剥夺自由，包括来自第 22 师(Hamza 旅)、第 14 师(第 141 旅)、第 13 师(Muhammad al-Fatih 旅)以及沙姆军团的成员。<sup>45</sup> 在被拘留期间，受害者往往被带到叙利亚国民军各旅在分区一级管理的临时设施。如前所述，<sup>46</sup> 这些旅在拘留个人的同时，继续抢劫和侵占平民财产，包括属于雅兹迪少数民族成员的农业用地。

<sup>44</sup> A/HRC/46/54，第 12 段。

<sup>45</sup> 另见 A/HRC/45/31，第 46 段、第 52 至 56 段。

<sup>46</sup> 同上，第 46 至 51 段。

81. 曾被拘留的人描述了被叙利亚国民军成员殴打和折磨的情况，包括在最初的审讯中，目的是为了获取口供或其他可能使其受牵连的信息。受访者没有被告知他们被捕的原因，然后被剥夺法律代表权和与家人的联系。一个人一旦被逼供，就会被叙利亚国民军成员从临时拘留中心转移到中央监狱，往往先转移到 al-Rai，然后是阿夫林的 Maratah 监狱。当被拘留者向看守他们的叙利亚国民军成员行贿时，也会发生这种转移。

82. 被释放的被拘留者回忆说，他们只有在被转移到中央监狱后才被登记，并被允许接触律师和与亲属联系。在撰写本报告时，许多人还没有出庭。其他人被带到阿夫林地区的军事法庭。一些人讲述了他们如何被拒绝与律师接触，以及通过酷刑或虐待获得的口供和其他信息如何被视为后续刑事诉讼的主要证据来源。

83. 在本报告所述期间，各旅对村庄的洗劫成为一种趋势。例如，在 2020 年 12 月 4 日至 7 日期间，沙姆军团成员袭击了阿夫林区 Shrawa 分区雅兹迪人居住的 Dai、Basufan、Burj Haydar 和 Kabashin 村，据称是为了回应叙利亚国民军一名高级旅长被暗杀的事件。一名证人描述说，大约在 12 月 5 日晚上 10 点，5 名叙利亚国民军成员冲进她家，逮捕并拘留了她的兄弟，偷走了钱和个人物品。在他们殴打她的时候，沙姆军团的成员喊道：“你为什么还在这？”据称，有数目不详的男子被逮捕，约 10 天后被释放。整个 2 月份，Basufan 村被 Hamza 旅多次洗劫，随着控制权的转移，也遭到沙姆军团旅的洗劫。

84. 次月，1 月 27 日凌晨 3 时至 3 时 30 分，第 14 师第 142 旅(Suleiman Shah 旅)的成员突袭了 Ma'batli 镇(阿夫林地区)附近 al-Yahour 村的几所房屋。为限制平民行动，他们包围了附近地区，并在突袭期间实行宵禁。至少有 18 名男子被捕，据说有一名男童也被逮捕，他们被蒙上眼睛带到 Suleiman Shah 的总部，在那里遭到毒打和酷刑。一位受访者说，大约 24 小时后，他们被释放，他看到一些受害者身上有被殴打的痕迹。

85. 在与委员会的交流中，叙利亚国民军领导层表示致力于适用与改善被拘留者条件有关的国际和国内法律，在拘留场所尊重人权并提供公平审判保障，其军事司法系统正在调查涉及侵犯行为的叙利亚国民军人员，以追究其责任。<sup>47</sup>

## C. 性暴力和性别暴力

86. 在阿拉伯叙利亚共和国，拘留方面的做法一直显示出严重的性别问题。<sup>48</sup> 在本报告所述期间，委员会继续记录性别暴力行为，包括性暴力行为。<sup>49</sup>

87. 与男性被拘留者的情况一样，在整个拘留期间，女性被拘留者在阿夫林地区各分区的不同叙利亚国民军旅管理的拘留设施之间被转移(见上文第 81 段)。妇女

<sup>47</sup> 机密提交的信息。

<sup>48</sup> 见“‘I lost my dignity’: sexual and gender-based violence in the Syrian Arab Republic”。可查阅 [www.ohchr.org/EN/HRBodies/HRC/IICISyria/Pages/Documentation.aspx](http://www.ohchr.org/EN/HRBodies/HRC/IICISyria/Pages/Documentation.aspx)。

<sup>49</sup> A/HRC/45/31，第 59 至 60 段。

和女童通常与她们的男性亲属同时被拘留，或在其配偶被拘留之后被拘留，因为她们被怀疑与自治政府有关联。

88. 曾被拘留的女性描述说，她们遭到看守她们的叙利亚国民军成员的多次强奸、殴打和酷刑，并经常被剥夺食物。其他人在审讯过程中受到强奸威胁，被殴打和骚扰，包括在被单独监禁期间，这加剧了恐惧和恐吓。<sup>50</sup> 有时，受害者在男性被拘留者面前受到骚扰，而男性亲属则在女性被殴打或攻击时，被迫听她们发出的尖叫声。

89. 在两起案件中，委员会记录了妇女被单独关押在阿夫林地区的一所民房中，她们被叙利亚国民军的一名高级指挥官带到那里，以换取他从房主那里得到的礼物。据称，至少有一名妇女在被拘留期间遭到了强奸和性暴力。

### 调查结果

90. 关于使用车载简易爆炸装置的问题(见上文第 75 至 78 段)，没有任何一方声称对袭击负责。然而，有重要迹象表明，对阿夫林和雷斯艾因地区和在该地区发起的所有 7 次攻击都是由武装团体派别或战斗人员实施的，而不是国家部队成员。有合理理由认为，这 7 次攻击通过在平民居住区使用具有大面积影响的简易爆炸装置，可能构成发动不分皂白的攻击、造成平民死亡或受伤的战争罪。调查工作正在进行。

91. 虽然查明肇事者的调查正在进行中，但委员会有合理理由认为，在上述炮击平民区的事件中，包括在影响到 al-Shifa 医院的攻击中，也可能犯下了发动不分皂白的攻击，造成平民死亡或受伤的战争罪(见上文第 79 段)。医疗设施在任何情况下都受到国际人道主义法律的特别保护。

92. 根据所述的叙利亚国民军各旅，包括第 22 师(Hamza 旅)、第 14 师(141 旅)和第 13 师(Muhammad al-Fatih 旅)以及沙姆军团在袭击中逮捕和拘留少数群体成员的情况，委员会有合理理由认为，个人被非法和任意剥夺自由，很可能是基于歧视性理由。还有合理理由相信，叙利亚国民军成员实施了酷刑、残忍待遇和对个人尊严的侵犯，包括强奸和其他形式的性暴力，这些都构成战争罪。<sup>51</sup>

93. 最后，在土耳其实际控制的地区，土耳其有责任尽可能确保公共秩序和安全，并向妇女和儿童提供特别保护。土耳其仍然受其对这些领土上所有个人的人权义务的约束。<sup>52</sup>

<sup>50</sup> A/66/268，第 62 至 65 段。

<sup>51</sup> 另见 A/HRC/45/31，第 66 段。

<sup>52</sup> 同上，第 67 段。



## 六. 阿拉伯叙利亚共和国东北部

94. 在本报告所述期间，叙利亚民主力量控制的某些地区的安全局势恶化。达伊沙残余分子的暴力袭击增加。同时，在 2019 年达伊沙领土战败两年多后，被达伊沙失踪者的家属仍在等待了解亲人的命运和下落。<sup>53</sup>

95. 为了恢复安全，叙利亚民主力量加快了逮捕行动，并从 2020 年夏天开始在 al-Shuhail 和 Busayrah 镇等地发起了大规模的“威慑恐怖主义”行动，<sup>54</sup> 并随后在 2021 年在 Kasra 和 Kubar 镇开展了行动。至少有 140 人被叙利亚民主力量逮捕和拘留，其中一些人还被关押在关有达伊沙组织嫌疑人的设施中。同时，霍尔营地的暴力事件也在增加，有近 60,000 名男子、妇女和儿童被拘留了两年多，而没有获得适当程序(见下文第 110 至 112 段)。

96. 此外，叙利亚民主力量提供的服务不足、贫困、腐败和与拘留有关的侵权行为加剧了人们的不满，特别是在某些地区的阿拉伯人口中。

### A. 抗议和示威

97. 例如，在代尔祖尔省，2020 年 7 月至 8 月间紧张局势明显加剧，特别是在重要部落有影响力的领导人被杀之后。在 2020 年 7 月至 2021 年 5 月期间，至少有 10 名这样的部落酋长被杀害，其中包括 Mutashar al-Hafi 酋长，他们往往被骑着摩托车的蒙面人杀害。这些和其他杀戮事件(达伊沙声称对一些事件负责)引发了抗议，呼吁叙利亚民主力量和自治政府恢复安全。

98. 此外，关于征兵、税收和教育等方面的众多“规定”的宣布，<sup>55</sup> 进一步加剧了一些地区民众的不满情绪。对此，平民在 7 月和 8 月间举行了示威活动，这些活动与燃料匮乏和越来越多的腐败指控基本同时发生。

99. 最近，5 月 18 日，哈塞克省南部农村地区的平民聚集在一起，抗议自治政府发布的将燃料价格提高两倍的决定。随着抗议者人数逐渐增多，叙利亚民主力量成员试图驱散人群并开火，造成至少 7 人死亡。

100. 两周后，5 月 31 日，阿勒颇省东北部的曼比季镇爆发了示威活动，抗议 5 月 29 日强制征召 18 至 21 岁男子的决定。示威活动迅速扩大到曼比季大区，包括 al-Hekma 医院附近的几个主要城镇广场和该市郊区。叙利亚民主力量成员试图通过开火来驱散人群，至少打死一名男子。后来，随着更多的人聚集在一起，叙利亚民主力量成员射杀了至少 5 名平民，并使 30 多人受伤。为了进一步限制

<sup>53</sup> 有关失踪人员的义务见 A/HRC/AC/6/2，第 21 至 22 段。

<sup>54</sup> “威慑恐怖主义”行动第二阶段的开始。

<sup>55</sup> 自治政府宣布强制推行库尔德语课程的“规定”，实际上阻止了学生在政府机构接受教育。这引发了抗议活动，导致自治政府撤销了此类决定。

该地区迅速蔓延的抗议活动，自治当局实施了宵禁，在曼比季镇各处设立了限制平民行动的检查站，并在 6 月 2 日与当地部落领导人谈判后撤销了征兵决定。

101. 叙利亚民主力量表示，在曼比季和哈塞克举行的两次示威活动中，据称现场的一些人参与了武装暴力，还袭击了叙利亚民主力量的军事阵地。<sup>56</sup> 对这些事件的调查正在进行中。

## B. 剥夺自由

102. 在本报告所述期间，叙利亚民主力量成员在 2020 年夏季发起的大规模反恐行动中逮捕了平民男子，包括媒体人员。受访者描述说，在战机在头顶盘旋的情况下，叙利亚民主力量的反恐部队对几处住宅进行了夜袭，包括活动人士的住宅。一名受害者回忆说，在社交媒体上发表批评文章后，他在家中被捕，被戴上手铐，蒙上眼睛，与 6 名邻居一起被转移到一个拘留所。在拘留期间，他被控与达伊沙有关联。他从未被带到法庭上，也从未向他提供律师。约一个月后，他被释放，然后再次被拘留，时间较短。

103. 另一名男子在 2020 年 8 月的一次类似突袭中逮捕，据称是因为与达伊沙潜伏小组有关联，并被带到代尔祖尔的一个美国联盟军事基地。在接受美国人员的审讯后，他被转移到 Kasra 监狱，被监禁了至少 20 天并被禁止与外界接触。在 Kasra 被 Asayish 成员审讯期间，他被用水管殴打，并被拒绝提供医疗，无法治疗殴打造成的伤口。他还回忆说，他听到其他被拘留者包括儿童遭受酷刑，并看到约 25 名 14 至 16 岁的男孩被关押在同一设施中。他没有被带到法庭上，也无法与律师接触。

104. 在另一起事件中，3 月 5 日晚上 11 点左右，在早些时候据说是达伊沙潜伏小组发动的袭击之后，叙利亚民主力量成员冲进了代尔祖尔的一家外科医院。<sup>57</sup> 大约 30 名战士边射击边进入大楼，另有 7 名战士向医务人员聚集躲藏的手术室移动。目击者称，叙利亚民主力量战士威胁他们，称他们为“恐怖分子”，用枪托和金属管殴打工作人员，并袭击了一名病人。叙利亚民主力量成员还破坏了医疗设备，并偷走了钱和个人物品。至少有 12 名平民被逮捕，包括 8 名医务人员。他们被拖出大楼，并被送往叙利亚民主力量在 Umar 油田开设的 al-Umar 拘留所。在那里，被拘留者被迫脱掉衣服，蹲在地上，叙利亚民主力量成员用金属链子殴打他们。据称，在叙利亚民主力量高级领导人的干预下，被拘留者于凌晨 2 时 30 分左右获释。3 月 17 日，在发生另一波抗议活动的情况下，叙利亚民主力量为这一事件公开道歉，随后再次承诺保护其控制区内的医院和医疗设施。<sup>58</sup> 叙利亚民

<sup>56</sup> 机密提交的信息。

<sup>57</sup> 同上。

<sup>58</sup> 见 [www.hawarnews.com/en/haber/sdf-releases-military-instructions-on-health-care-h23521.html](http://www.hawarnews.com/en/haber/sdf-releases-military-instructions-on-health-care-h23521.html)。

主力量表示，已对其成员造成的损失和被盗物品进行了赔偿。据报，参与突袭的人也受到了内部调查，并被带到了军事法庭。<sup>59</sup>

105. 还发生了以反腐败为由的逮捕，其中一些涉及哈塞克和曼比季自治政府的前雇员。一位受访者描述了他的兄弟(被控腐败)于 2020 年底在哈塞克失踪后，他的父母和三个兄弟，包括一个孩子，在 2021 年 1 月开展的反腐败运动中被逮捕。迄今为止，还没有关于他们下落的信息，受访者在公开谈论其家人失踪的情况后受到了威胁。

106. 在接受教育的问题上，记录了更多逮捕事件。例如，1 月 19 日，Asayish 在哈塞克省的 Darbasiya 拘留了 6 名教师，他们为参加大学考试的学生辅导政府课程。第二天，即 1 月 20 日，他们的被捕引发了要求释放他们的示威。一些抗议者受到了人身攻击，其他人则被带到该镇的一个拘留所。两名为教师的抗议者被拘留，还有 8 名 13 至 18 岁的学生被拘留。这些教师被迫签署一份保证书，保证他们不再按照政府的课程辅导学生；在随后的 3 天里，他们都被释放。2 月 6 日，在哈塞克省的阿穆达，另有 8 名教师因类似原因被拘留。

107. 委员会继续收到涉及个人的报告，包括库尔德斯坦民主党成员，他们在 2018 年之前在叙利亚民主力量控制的地区被逮捕和拘留。大多数家庭仍然无法找到他们的亲属，而一名被拘留者的家人在 2021 年第二季度被告知其死亡。

108. 除了这些行动，叙利亚民主力量继续在阿拉伯叙利亚共和国东部各地的监狱设施中拘留据称与达伊沙有联系的个人，至少自 2019 年以来，拘留了超过 10,000 人。<sup>60</sup> 其中有大约 750 名男童被关押在至少 10 个监狱设施中。男童一直与成年男子一起被关押在拥挤的监狱设施中，获得食物和医疗服务的机会有限。此外，至少有 100 名男童，包括一些年仅 10 岁的男童，被从霍尔营地转移到哈塞克省的 Hourri “少年管教”中心关押。

109. 到 2020 年中，约有 8,650 名叙利亚人面临审判，而来自 50 多个国家的约 4,000 名外国人，包括约 500 名男童仍然处于法律上的困境，他们既没有因为与达伊沙有关联而被起诉，也没有被遣返，从而面临无限期的拘留。<sup>61</sup>

## C. 霍尔和罗吉营地

110. 霍尔营地的不安全因素也在增加，自 2019 年 Baghuz 攻势以来，近 6 万人，包括 5.5 万名妇女和儿童一直处在恶劣的营地条件下。<sup>62</sup> 大约 5 万名营地居民是阿拉伯叙利亚共和国或伊拉克的国民。随着冠状病毒疫情继续蔓延，难民营中本就有限的教育和医疗服务变得极其匮乏，在获得药物，尤其是氧气支持方面一直

<sup>59</sup> 机密提交的信息。

<sup>60</sup> 同上。

<sup>61</sup> A/HRC/45/31，第 77 段，以及机密提交的信息。

<sup>62</sup> 见 <https://news.un.org/en/story/2021/02/1085982>。

面临挑战。<sup>63</sup> 据报，仅在 2020 年 8 月就至少有 8 名儿童死亡；死亡原因包括营养不良引起的健康并发症、心脏衰竭和内出血。<sup>64</sup> 童工现象据说很普遍，使年轻男童特别是那些无人陪伴的男童特别容易受到剥削和虐待。

111. 据报，仅在 2021 年，就有约 60 名居民在营地被杀害，其中包括两名男童。<sup>65</sup> 作为回应，叙利亚民主力量的安全部队 Asayish 在 3 月 28 日至 4 月 2 日期间开展了一次安全行动，以消除达伊沙在难民营主要分区内的影响，那里居住着叙利亚人和伊拉克人。<sup>66</sup> 受访者描述说，3 月 28 日清晨，Asayish 部队进入营地，突袭了帐篷，搜查武器和移动电话，居民们被引导到营地登记区，Asayish 部队在那里收集他们的个人和生物识别数据。至少有 150 人被捕，<sup>67</sup> 其中包括达伊沙领导人，也包括妇女。

112. 霍尔难民营的安全问题日益严重，这也导致叙利亚民主力量在混乱的组织下，将至少 400 个家庭从霍尔难民营转移到扩大规模的罗杰难民营。现在约有 2,700 人，主要是外国人，居住在罗杰营地，包括 1,500 多名儿童。<sup>68</sup> 大约有 400 人是叙利亚或伊拉克国民。虽然生活条件比霍尔难民营好，但罗杰难民营的受访者也称他们获得律师、教育和医疗服务的机会有限，包括获得精神健康服务。一位受访者回忆说，她的儿媳妇没能买到足够的哮喘喷剂，她的孙辈们在营地经常生病。

#### D. 释放和遣返

113. 委员会欢迎根据部落担保协议，正在将叙利亚家庭从霍尔营地释放到叙利亚民主力量控制区的报告，包括最近在 2021 年 6 月。据报，自 2019 年年中以来，已有 8,548 名叙利亚人被释放，包括 4,677 名儿童。然而，超过 20,000 名叙利亚人仍在霍尔营地。<sup>69</sup>

114. 虽然在 2021 年第二季度约有 380 名伊拉克国民被遣返(这是自 2018 年以来的第一次)，但超过 30,000 名伊拉克国民，包括 19,000 名儿童仍在难民营中。

115. 至于向其他国家的遣返，在 2020 年 9 月至 2021 年 6 月期间，至少有来自 13 个不同国家的 322 名儿童和 56 名妇女被遣返，另有 4 个国家遣返了孤儿。然而，还有几十个国家继续拒绝遣返其国民(见附件三)，包括仍然面临无国籍状态、

<sup>63</sup> 见 <https://www.msf.org/covid-19-has-devastating-knock-effect-northeast-syria>。

<sup>64</sup> 见 <https://www.unicef.org/press-releases/eight-children-die-al-hol-camp-northeastern-syria-less-week>。

<sup>65</sup> 见 <https://www.unicef.org/press-releases/two-children-killed-al-hol-camp-syria>。

<sup>66</sup> 见 <https://asayish.org/?p=1915>(阿拉伯文)。

<sup>67</sup> 机密提交的信息。

<sup>68</sup> 联合国数据和机密提交的信息。

<sup>69</sup> 见 <https://m-syria-d.com/en/?p=2795>。另来自机密提交的信息。

被贩卖和无限期拘留风险的幼童。截至 2021 年 6 月，来自除阿拉伯叙利亚共和国和伊拉克以外的近 60 个国家的 7,800 多名儿童处在难民营中。

## 调查结果

116. 难民营的条件显然表明，被关押在那里的人最基本的人权，如健康权和食物权，正在受到侵犯。委员会有合理理由认为，特别是霍尔营地的条件可能相当于残忍或不人道的待遇，这是一种战争罪。<sup>70</sup>

117. 将 27,000 名儿童(其中 33%未满 5 岁)关押在这些营地多年而没有任何法律追索权，不仅违反了禁止非法或任意剥夺这些儿童自由的规定(对他们的拘留必须作为最后手段)，而且也违反了国际法赋予儿童的最基本保障。

118. 在难民营之外，叙利亚民主力量通过任意和非法剥夺持不同意见者的自由，包括可能相当于强迫失踪的行为，限制了言论自由(见上文第 107 段)。此外，委员会有合理理由认为，叙利亚民主力量对被拘留者的待遇可能构成残忍对待和虐待被剥夺自由者的战争罪。

119. 委员会目前正在审查叙利亚民主力量成员是否对抗议者过度使用武力(见上文第 99 至 101 段)，从而进行非法杀戮，这在当前的冲突中可能构成战争罪。

120. 有关上述的杀害知名部落领袖的事件(见上文第 97 段)，委员会重申，如果定点清除由冲突一方实施，则违反了禁止直接攻击平民的规定，可能构成谋杀形式的战争罪。

## 七. 建议

121. 过去一年里，不断加深的经济危机、疫情，加之本报告中描述的侵犯行为，包括炮击、空袭、简易爆炸装置、定点清除、任意和禁止与外界接触的监禁以及酷刑，导致许多叙利亚人的人权状况恶化。阿拉伯叙利亚共和国还无法为难民的可持续和有尊严返回提供安全和稳定的环境，也无法为该国境内 670 万流离失所者提供安全和稳定的环境。

122. 数以万计的叙利亚人仍在急切等待失踪亲人的消息，而成千上万的男女和儿童仍在阿拉伯叙利亚共和国被非法剥夺自由。有些人已经被政府在禁止与外界接触的情况下监禁了十多年。他们的命运掌握在政府和这场旷日持久的冲突的其他各方手中。这些当事方以及支持他们的国际行为体迄今未能利用脆弱和部分的停火，促进尊重最基本的人权，也未能切实接触以结束冲突。

123. 政府和其他冲突方早就应该停止对平民和民用物体的攻击，并：

(a) 确保并协助独立的人道主义、保护和人权组织畅通无阻地进入全国所有地区，包括进入禁闭或拘留场所；

<sup>70</sup> 另见 A/HRC/40/70，第 92 段。

(b) 立即停止拘留场所的酷刑和其他残忍、不人道或有辱人格的待遇或处罚，包括性暴力和性别暴力；停止一切形式禁止与外界接触的羁押，释放体弱者、残疾人、老年人、妇女、儿童和被任意拘留者。并根据安全理事会第 2474(2019)号决议，采取一切可行措施，寻找和揭示被拘留者和(或)失踪者的命运，并进一步建立与其家人沟通的有效渠道，确保他们的法律、经济和心理需求得到充分满足；

(c) 根据安全理事会第 2254(2015)号决议，在全国范围内实现长期停火，使叙利亚人能够专注于应对冠状病毒疫情，并为有意义的和平谈判创造条件，借助疫情发生以来阿拉伯叙利亚共和国暴力程度相对降低的势头。

124. 此外，委员会建议联合国会员国：

(a) 促进建立拥有国际授权的独立机制，以协调和整合有关失踪人员包括被强迫失踪人员的申诉；<sup>71</sup>

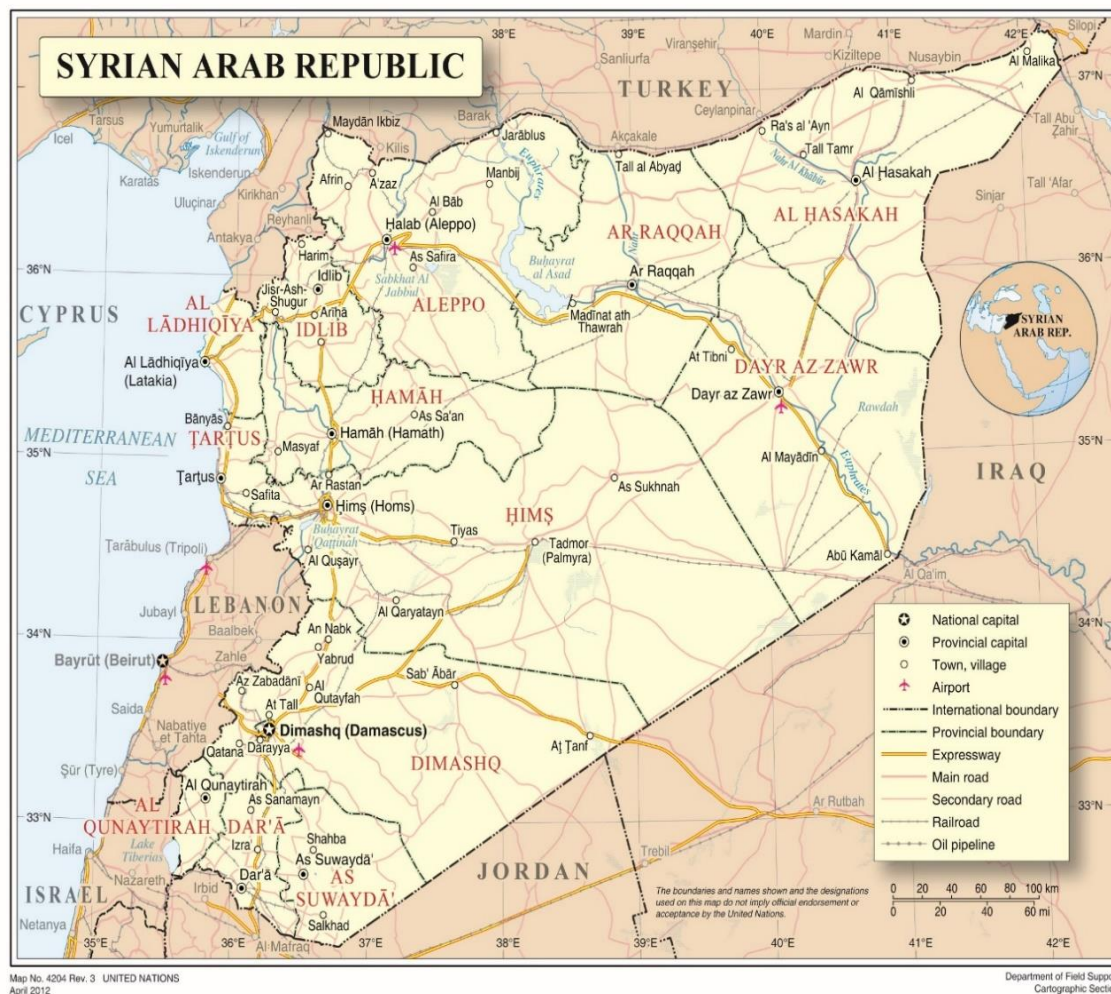
(b) 遣返居住在阿拉伯叙利亚共和国境内据称与达伊沙有关联的国民，特别是与母亲在一起的儿童，在这方面考虑到儿童的最大利益和难民营的恶劣条件。在个人有可能被任意拘留或受到身体伤害，包括面临死刑的情况下，不应进行遣返；

(c) 继续寻求问责，包括确保和投资于有效的立法、调查、司法和检察方面的基本架构。委员会重申，愿意与协助调查和起诉自 2011 年 3 月以来在阿拉伯叙利亚共和国境内犯下国际法所规定最严重罪行者的国际公正独立机制密切合作，继续协助作出这一努力；

(d) 鉴于经济危机、粮食不安全和冠状病毒疫情，消除人道主义援助方面的所有障碍，包括因制裁而无意造成的人道主义豁免程序过于繁琐。

<sup>71</sup> 如之前在 A/HRC/46/55 第 113 段中所建议。

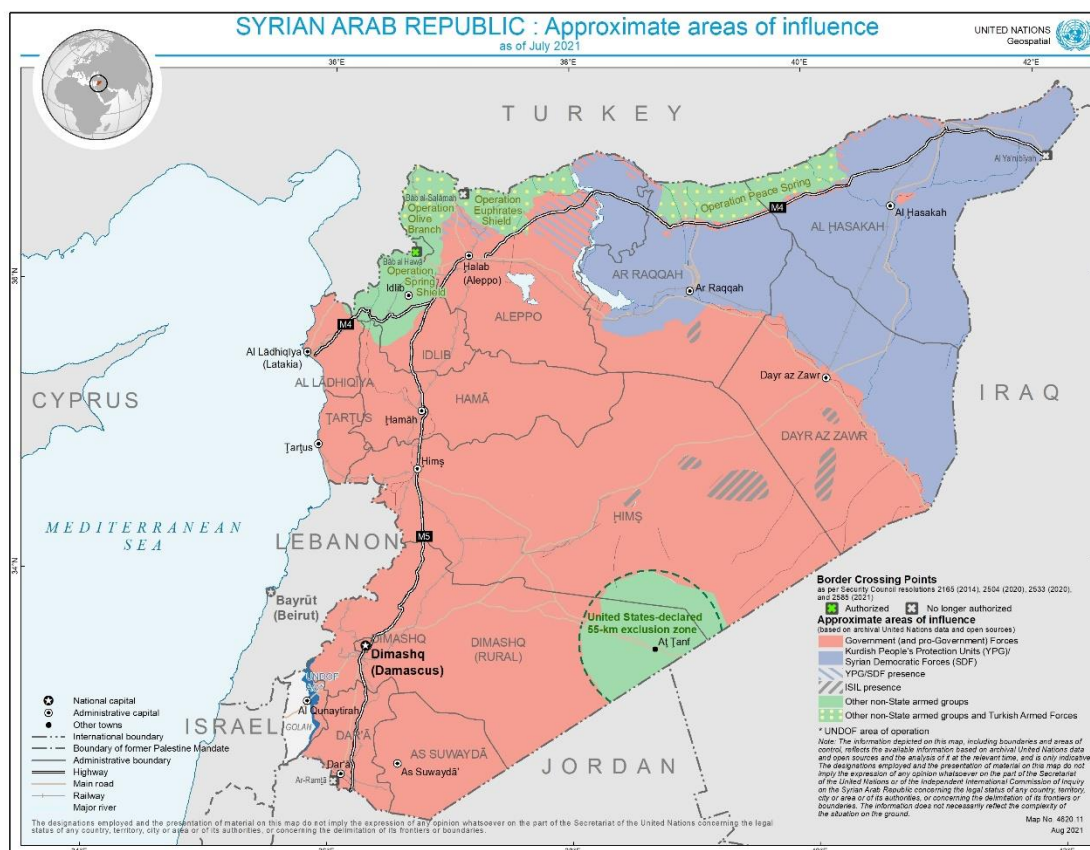
## Annex I

Map of the Syrian Arab Republic<sup>1</sup>

<sup>1</sup> The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.



## Annex II

Estimated areas of influence – July 2021<sup>1</sup>

<sup>1</sup> The representation of approximate areas of influence is limited to data relevant for the human rights situation in the Syrian Arab Republic and in relation to the mandate and findings of the Commission of Inquiry on the Syrian Arab Republic.



## Annex III

## Table of repatriations of foreign children and women

Repatriation of foreign children and women from SDF-run camps in North-eastern Syria (as of June 2021)<sup>1</sup>

<i>Countries and areas</i>	<i>Repatriated Children (range)<sup>a</sup></i>	<i>Countries and areas</i>	<i>Repatriated Women (range)<sup>a</sup></i>
Kazakhstan, Uzbekistan <sup>d</sup>	201-500	N/A	201-500
Russian Federation <sup>d</sup>	101-200	Kazakhstan, Uzbekistan	101-200
Kosovo <sup>2</sup>	51-100	N/A	51-100
France	26-50	N/A	26-50
Germany	16-25	N/A	16-25
Australia, Belgium <sup>g</sup> , Bosnia and Herzegovina, Finland <sup>d</sup> , Norway, Sudan <sup>d</sup> , Sweden, United States of America <sup>d</sup> , Ukraine	6-15	Russian Federation	6-15
Albania, Austria, Canada, Denmark, Italy, Netherlands, Nigeria, Trinidad and Tobago, United Kingdom of Great Britain and Northern Ireland	1-5	Afghanistan, Albania, Finland <sup>d</sup> , Germany, Netherlands, Norway, Sudan, United States of America, Ukraine	1-5
Indonesia, Morocco <sup>e</sup> , Tajikistan	TBD <sup>b</sup>	Morocco <sup>e</sup>	TBD <sup>b</sup>
Afghanistan, Algeria <sup>f</sup> , Azerbaijan, Bangladesh, China, Egypt, Estonia <sup>f</sup> , Georgia, India, Iran, Kyrgyzstan, Lebanon, Libya, Malaysia, Maldives, North Macedonia <sup>g</sup> , Pakistan, Philippines, Poland, Portugal, Romania <sup>f</sup> , Saudi Arabia <sup>f</sup> , Senegal, Serbia, Somalia, South Africa, Switzerland, Tunisia, Turkey, Viet Nam <sup>f</sup> , Yemen, State of Palestine	None <sup>c</sup>	Algeria <sup>f</sup> , Australia, Austria, Azerbaijan, Bangladesh, Belgium <sup>g</sup> , Bosnia and Herzegovina, Canada, China, Denmark, Egypt, Estonia <sup>f</sup> , France, Georgia, India, Indonesia, Iran, Italy, Kyrgyzstan, Lebanon, Libya, Malaysia, Maldives, Nigeria, North Macedonia <sup>g</sup> , Pakistan, Philippines, Poland, Portugal, Romania <sup>f</sup> , Saudi Arabia <sup>f</sup> , Senegal, Serbia, Somalia, South Africa, Sweden, Switzerland, Tajikistan, Trinidad and Tobago, Tunisia, Turkey, United Kingdom of Great Britain and Northern Ireland, Viet Nam <sup>f</sup> , Yemen, State of Palestine, Kosovo	None <sup>c</sup>

<sup>1</sup> This table does not reflect the repatriation of Iraqi nationals, who form the largest group of foreigners in North-eastern Syria.

<sup>2</sup> References to Kosovo shall be understood to be in the context of Security Council resolution 1244(1999).

<sup>a</sup> Figures are based on information submitted by States in response to communications by United Nations Special Procedures (<https://spcommreports.ohchr.org/Tmsearch/TMDocuments>), submissions to the Commission (see footnote 4), and a compilation of open source data by the United Nations (until 30 June 2021).

<sup>b</sup> Repatriations have reportedly occurred, without indication of the number of individuals.

<sup>c</sup> The countries listed here are those for which the Commission received information that citizens were held and for whom there is no indication of any repatriation.

<sup>d</sup> Based on an average value due to differing information between sources.

<sup>e</sup> Eight individuals were reportedly repatriated, without specification as to the number of children and women.

<sup>f</sup> According to information submitted by States in response to communications by United Nations Special Procedures (<https://spcommreports.ohchr.org/Tmsearch/TMDocuments>), the national authorities have no indication as to the presence of citizens in Northeast Syria.

<sup>g</sup> Media reports outside the reporting period indicated recent repatriations (July 2021) from this country that have not been taken into account in the chart and would change the related classification.

## Annex IV

## Correspondence with the Government of the Syrian Arab Republic



Established pursuant to United Nations Human Rights Council Resolution S-17/1 (2011) and extended by resolutions 19/22 (2012), 21/26 (2012), 22/24 (2013), 23/23 (2014), 28/20 (2015), 31/17 (2016), 34/26 (2017), 37/29 (2018), 40/17 (2019) and decision 45/115 (2020)

REFERENCE: CO/SYRIA/16/2020

The Secretariat of the United Nations Independent International Commission of Inquiry on the Syrian Arab Republic presents its compliments to the Permanent Mission of the Syrian Arab Republic to the United Nations and other specialized institutions in Geneva, and has the honour to refer to Human Rights Council resolution S-17/1 establishing the Commission “to investigate all alleged violations and abuses of international human rights law since March 2011 in the Syrian Arab Republic”. It also refers to decision 43/115 of 13 March 2020 extending the mandate of the Commission until the resumption of the 43<sup>rd</sup> session of the Human Rights Council.

The Commission takes this opportunity to thank the Permanent Mission for your Government’s past assistance. In the same spirit, it requests your Government’s assistance should there be information available to share regarding incidents or events impacting the human rights of persons in the Syrian Arab Republic that could aid ongoing investigations. At present, the Commission seeks information on human rights violations and abuses connected to recent events in Idlib Governorate and surrounding areas.

In this regard, the Commission requests any information your Government may be able to share regarding the incidents below, which have been investigated and corroborated by multiple independent sources, in accordance with the methodology of the Commission.

Investigations undertaken by the Commission indicate that it is likely that Syrian Government Forces are responsible for the following incidents.

- On 2 December 2019, at approximately 9:00 a.m., in Saraqib town, Idlib governorate, an airstrike impacted a market and an adjacent residential building, killing one man and injuring seven others.
- On 2 December 2019, at approximately 11:00 a.m., in Ma’arrat al Numan city, Idlib governorate, an airstrike impacted the al-Hal wholesale market located in a residential area in eastern Ma’arrat al-Nu’man. The airstrike killed 9 civilians, including 2 women, and injured at least 13 others, including a 16-year-old boy who lost a limb as a result. The attack also damaged numerous commercial shops and civilian vehicles. The Commission previously transmitted preliminary information concerning this incident in its Note Verbale of 29 April.
- On 21 December 2019, at approximately 10:35 a.m., in Saraqib town, Idlib governorate, an airstrike impacted a market, adjacent residential buildings, and a medical clinic, within a 400 to 600 meter radius. The attack killed at least eight civilians, including one female laboratory technician, and injured over 25 others.
- On 30 December 2019, during the afternoon, in Ma’arrat al Numan city, Idlib governorate, airstrikes reportedly including barrel bombs, impacted a residential house in northern Ma’arrat al-Nu’man, killing an 11-month old baby boy and one man.

- On 1 January 2020, at approximately 11:30 a.m., in Sarmin town, Idlib governorate, a ground-to-ground rocket attack using cluster munitions impacted the Abdo Salam primary school and a number of residential buildings, killing 12 civilians, including five children and three female teachers, and injuring 12 others, including at least one boy. Information available to the Commission indicates that an OTR-21 "TOCHKA" missile system was likely used in the attack. The Commission previously transmitted preliminary information concerning this incident in its Note Verbale of 29 April.
- On 8 January 2020, in Ma'arrat al Numan city, Idlib governorate, a ground-to-ground rocket attack struck the central hospital in Ma'arrat al Numan city, causing extensive damage to the facility. Information available to the Commission indicates that a BM-21 "Grad" multiple barrel rocket launch system was likely used in the attack.
- On 15 January 2020, between approximately 12:30 and 13:00 p.m., in Idlib city, Idlib governorate, a series of airstrikes struck the densely populated al-Hal market and adjacent al-Sinaa industrial zone, located approximately 200 from each other. The attack killed at least 19 civilians, including two children, and injured 60 others. The airstrikes ignited a gas cylinder in a commercial shop in al-Sinaa setting shops and vehicles on fire. The Commission previously transmitted preliminary information concerning this incident in its Note Verbale of 29 April.
- On 6 February 2020, beginning in the afternoon, in Anadan town, Aleppo governorate, a ground-to-ground indirect fire attack impacted residential areas of Anadan town, damaging the Anadan boys' high school and the Anadan health center.
- On 11 February 2020, at approximately 12:00 p.m., in Idlib city, Idlib governorate, a series of airstrikes struck the al-Sinaa industrial zone, impacting it and a nearby commercial street, killing at least nine civilians, including five boys aged between 10 and 16, and injuring 20 others.
- On 24 February 2020, in the afternoon, in Kafrantin town, Aleppo governorate, a ground-to-ground indirect fire attack directly impacted the Yarmouk school and a nearby mosque. Information available to the Commission indicates that a BM-21 "Grad" multiple barrel rocket launch system was likely used in the attack.
- On 25 February 2020, between approximately 8:30 a.m. and 9:30 a.m. in Idlib city, Idlib governorate, a ground-to-ground rocket attack using cluster munitions impacted the Khaled Shaar, al-Barahim and al-Izza Ibn Abdelsalam schools. At least 2 teachers were killed and 6 injured while inside al-Barahim school, and one 17 year-old girl was killed in front of al-Izza Ibn Abdelsalam school. All three schools suffered material damage. Information available to the Commission indicates that URGAN 9M27K-type cluster-munition rockets fired from BM-30 "SMERCH" multiple-barrelled rocket launcher system were likely used in the attack. The Commission previously transmitted preliminary information concerning this incident (as two separate incidents) in its Note Verbale of 29 April.

In addition, investigations conducted by the Commission indicate that Syrian Government Forces may have conducted or been involved in the following events. The below incidents are also included in a Note Verbale to the Permanent Mission of the Russian Federation to the United Nations and other international organizations in Geneva.

- On 21 December 2019, in the evening, in Ma'arrat al Numan city, Idlib governorate, airstrikes impacted a residential area in the northern part of the city, injuring six civilians.
- On 22 December 2019, at approximately 10:00 p.m., in Ma'arrat al Numan city, Idlib governorate one airstrike impacted a residential area located 1 kilometre from the main Ma'arrat al-Nu'man/Ariha road, killing two men and injuring four others, including two elderly women.
- On 5 January 2020, at approximately 2:00 p.m., in western Ariha, Idlib governorate, an airstrike with multiple munitions impacted a water distribution point, residential homes, a kindergarten and a mosque within a 200 meter radius, killing 13 civilians, including four children, and injuring 30 others.
- On 11 January 2020, at approximately 1:00 p.m., in Binish town, Idlib governorate, an airstrike impacted a local market in Binish town, killing nine civilians, including five women and three children, and injuring 29 others, including 13 children and four women.
- On 29 January 2020, in Ariha city, Idlib governorate, between 10:30 p.m. and 11:30 p.m., three consecutive airstrikes struck residential buildings and the Al Shami Hospital. At least 14 civilians, including one doctor, 5 women and 5 children, were killed and 30 to 65 others were injured. Approximately 12 residential homes were destroyed, in addition to numerous commercial shops, a bakery, civilian vehicles and one ambulance. The Commission previously transmitted preliminary information concerning this incident in its Note Verbale of 29 April.
- On 1 February 2020, at approximately 10:00 p.m., two airstrikes struck the al-Houta hospital in al-Houta/Hor village, damaging the entrance of the hospital and a generator, and injuring one civilian.
- On 2 February 2020, between approximately 9:30 and 10 a.m., in Sarmin town, Idlib governorate, a series of airstrikes impacted the southern part of the town towards al-Nayrab, one of which struck a residential house killing three women, one man, and four children, including a two-month old baby, all from the same family. The Commission previously transmitted preliminary information concerning this incident in its Note Verbale of 29 April.
- On 9 February 2020, in the afternoon, in Kafr Nouran town, Aleppo governorate, repeated airstrikes on the town killed at least 14 civilians and injured nine others, with the town largely destroyed. Information obtained by the Commission suggests that around 25 armed group fighters, including Falaq al Sham and HTS, were present in Kafr Nouran town in January and early February.
- On 10 February 2020, at approximately 8:00 p.m., in Atarib town, Aleppo governorate, airstrikes struck a maternity hospital, killing one child and causing significant damage to the facility. The Commission previously transmitted preliminary information concerning this incident in its Note Verbale of 29 April.

- On 17 February 2020, at approximately 11:45 a.m., in Darat Azza town, Aleppo governorate, a series of airstrikes hit Kinana hospital and the nearby al-Fardous maternity hospital, injuring at least two civilians. Both facilities sustained severe damage and were subsequently rendered out of service. The Commission previously transmitted preliminary information concerning this incident in its Note Verbale of 29 April.
- On 23 February 2020, in Baloyun, Idlib governorate, an airstrike impacted the dentistry building adjacent to the maternity and children hospital in Baloyun, destroying part of the building and rendering it non-operational.
- On 24 February 2020, at approximately 11:30 p.m., in Idlib city, Idlib governorate, two munitions struck the yard of al-Houraya high school for girls causing damage to the facility and nearby residential homes.
- On 25 February 2020, at approximately 5:00 a.m., in Binish town, Idlib governorate, two munitions struck the yard of al-Rissala School for boys, located in the Binish educational compound near the local market and hospital. The attack killed one man, injured four others, and damaged parts of the school building.
- On 25 February 2020, between 2:00 and 3:00 p.m., in Idlib city, Idlib governorate, one airstrike impacted near the Idlib surgical hospital, injuring at least three medical staff and damaging the facility.
- On 25 February 2020, at approximately 4:00 p.m., in Marat Misrin town, Idlib governorate, three airstrikes impacted the Muneeb Qmayshah primary school, located in the eastern parts of Marat Misrin town. The attack killed at least 11 civilians, including six children, and wounded 30 others, including 14 children and six women. It also severely damaged the school walls, windows and doors, rendering it non-operational.
- On 3, 4, and 14 February 2020 and on 5 March 2020, in Atarib town, Aleppo governorate, ground-to-ground and air-to-ground attacks impacted the boys' school and adjacent areas, killing and injuring civilians and damaging the Atarib boys' school:
  - An airstrike at approximately 10:00 a.m. on 3 February killed at least one woman and injured two children in a residential area adjacent to the school and classes at the boys' school were suspended.
  - A series of airstrikes on 4 February at approximately 11:00 a.m. injured a further six children in homes adjacent to the school.
  - Another airstrike on 14 February caused significant damage to the school itself and rendered it non-operational.
  - A further series of airstrikes on 5 March caused additional damage to the school.

For each of the incidents above, the Commission requests the following information, while cognizant that the information requested may relate to sensitive security and military information.

- Acknowledgment of involvement in the incidents described above, in particular those incidents that have also been transmitted to the Permanent Mission of the Syrian Arab Republic.
- Details on the intended target for each individual operation, information related to whether the intended target was successfully impacted, and post-strike battle damage assessments including fighter and civilian casualty figures resulting from the operation.
- Any information available on the operational planning prior to the conduct of each operation, including in relation to the choice of weapon and delivery system, in particular related to targeted locations away from ongoing ground operations, as well as detailed information on the precautions taken to avoid or minimize civilian harm in each operation.
- Cockpit recordings, audio and video, for each airstrike.
- Any available overflight and/or operational strike records for the dates and locations of each incident.
- Satellite, surveillance or other imagery for each intended target and for both pre- and post-operations review and analysis.
- Information on internal investigations, reviews, or other process evaluating the compliance of each incident with international humanitarian law and your forces applicable rules of engagement, and if so, whether any such reviews resulted in disciplinary or criminal proceedings against particular individuals or revisions or amendments to rules of engagement or other internal procedures to increase civilian protection.

More generally, the Commission would also welcome any available materials on civilian casualty tracking and investigation methods utilised by the Syrian Arab Republic in relation to its own operations, and whether any reporting or complaint mechanism exists to collect internal or external reports of civilian casualties reportedly caused by Syrian Arab Republic forces. The Commission of course welcomes any other relevant documentation, including contextual and intelligence information, that your Government could share in relation to the specific incidents above.

The Commission would also welcome information on Syrian military casualties (complementing the information provided in e.g. briefings by the Russian Federation Foreign Ministry Spokesperson Maria Zakharova on e.g. 26 December, 23 January, 12 February and 27 February).

Finally, the Commission would welcome information concerning attacks by armed groups entailing civilian casualties (in addition to the information provided in the identical letters dated 13 January, 26 January, 27 January and 26 February 2020 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council) and reiterates its request for information concerning specific incidents involving armed groups, as detailed in its Note Verbale of 29 April.

In order for the information to be received and processed ahead of its next reporting obligations, the Commission would kindly request that any inputs be received by 18 June 2020. Should your Government be in a position to facilitate any introductions or briefings, whether in-person or virtually, the Commission is ready to receive such support at the earliest possible opportunity.

We remain ready to discuss the most appropriate means by which to progress in this regard, including measures required regarding confidentiality concerning materials and information that may be provided. For any questions regarding the details of this request or opportunities to collaborate, please contact the Secretariat, at [coisvria@ohchr.org](mailto:coisvria@ohchr.org).

The Secretariat of the Commission of Inquiry avails itself of the opportunity to renew to the Permanent Mission of the Syrian Arab Republic the assurances of its highest consideration.

Geneva, 5 June 2020



L.A.

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



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REFERENCE: COISYRIA/22/0020

The Secretariat of the United Nations Independent International Commission of Inquiry on the Syrian Arab Republic presents its compliments to the Permanent Mission of the Syrian Arab Republic to the United Nations Office and other specialized institutions in Geneva, and has the honour to refer to Human Rights Council resolution S-17/1 establishing the Commission “to investigate all alleged violations and abuses of international human rights law since March 2011 in the Syrian Arab Republic”. It also has the honour to refer to Human Rights Council resolution 43/28 of 22 June 2020 extending the mandate of the Commission until 31 March 2021.

The Commission takes this opportunity to thank the Permanent Mission for your Government’s past assistance. In the same spirit, it requests your Government’s assistance should there be information available to share regarding incidents or events impacting the human rights of persons in the Syrian Arab Republic that could aid ongoing investigations.

In this regard, the Commission requests any information your Government may be able to share regarding the incidents below, which have been investigated and corroborated by multiple independent sources, in accordance with the methodology of the Commission.

Investigations undertaken by the Commission indicate that it is likely that Syrian Government Forces are responsible for the following incidents.

- On 5 February, in the early evening, in Taftanaz town, Idlib governorate an alleged airstrike, reportedly employing barrel bombs, struck al-Hikma hospital, rendering the facility non-operational.
- On 1 and 2 March, in Al-Sanamayn, Daraa Governorate, fighting between pro-Government forces, including the Fifth Assault Corps of the Syrian Arab Army, and armed groups reportedly resulted in the death of civilians, including women and children. During the same period in this location, Criminal Security Directorate personnel allegedly carried out summary executions of civilians by gunshot. Furthermore, following the fighting pro-Government forces allegedly carried out deliberate destruction of homes.
- On 19 March, in Jalin village, Daraa Governorate, Government forces allegedly shelled the town, killing eight civilians, including three children.
- On 27 March, in Quraya town, Sweida Governorate, elements of the Eighth Brigade of the Fifth Assault Corps of the Syrian Arab Army allegedly entered the town, detained a number of males and took them to Busra Al-Sham in Daraa Governorate. Elements of the Fifth Corps allegedly carried out summary executions of five men from Quraya during this incident.

In addition, investigations conducted by the Commission indicate that Syrian Government Forces may have conducted or been involved in the following events. The below incidents are also included in a Note Verbale to the Permanent Mission of the Russian Federation to the United Nations Office and other international organizations in Geneva.

- On 8 June, at approximately 16:30 p.m. in al-Maouzah village, Jabal al Zawiya area, Idlib governorate, artillery shelling followed by a series of airstrikes allegedly struck a residential area, killing a man and a 16-year-old child and injuring six others, including two women, two boys and a 15-year-old girl. The attack also damaged at least five civilian homes and a mosque.
- On 9 June, at approximately 06:30 a.m. in Baloyun village, Jabal al Zawiya area, Idlib governorate, three consecutive airstrikes allegedly struck a residential house killing three civilians, including one woman and a child, and injuring six others, including two girls and three boys. At least four civilian houses located nearby were also allegedly destroyed.

For each of the incidents above, the Commission requests the following information, while cognizant that the information requested may relate to sensitive security and military information.

- Acknowledgment of any involvement in the incidents described above, in particular those incidents that have also been transmitted to the Permanent Mission of the Russian Federation.
- Details on the intended target(s) for each individual operation, information related to whether the intended target was successfully impacted, and post-strike battle damage assessments including fighter and civilian casualty figures resulting from the operation.
- Any information available on the operational planning prior to the conduct of each operation, including in relation to the choice of weapon and delivery system, in particular related to targeted locations away from ongoing ground operations, as well as detailed information on the precautions taken to avoid or minimize civilian harm in each operation.
- Cockpit recordings, audio and video, for each airstrike.
- Any available overflight and/or operational strike records for the dates and locations of each airstrike incident.
- Satellite, surveillance or other imagery for each intended target and for both pre- and post-operations review and analysis.
- Information on internal investigations, reviews, or other process evaluating the compliance of each incident with international humanitarian law and your forces applicable rules of engagement, and if so, whether any such reviews resulted in disciplinary or criminal proceedings against particular individuals or revisions or amendments to rules of engagement or other internal procedures to increase civilian protection.
- In particular for the incidents on 1-2 March and 27 March, information on investigations into potential criminal conduct by members of Syrian military or security forces, including ongoing processes and relevant stage of proceedings for any accused, arrests of suspects (if any), and information on medical or autopsy records (with appropriate confidentiality measures to ensure respect and privacy for the deceased and their relatives).
- The Commission of course welcomes any other relevant documentation, including contextual and intelligence information, that your Government could share in relation to the specific incidents and events above.

In addition, the Commission continued to receive new allegations of torture and deaths in Syria Government detention facilities, including Air Force Intelligence branches

in Aleppo, Harasta, and Mezzeh, the Military Police Branch in Qaboun, Branch 227 of Military Intelligence, as well as in the following prisons: Adra Prison, Tartous Central Prison and Sednaya Military Prison. The Commission would welcome any information your Government may be able to provide concerning its efforts to prevent torture and ill-treatment in its facilities. Of particular interest are your processes for recording and investigating allegations, prosecuting perpetrators, and protecting victims of torture and ill-treatment. The Commission would also welcome information on measures to increase transparency and access to places of detention by legal counsel and impartial humanitarian and human rights organisations, and the ability of detainees to communicate with their families and legal aid providers. In this regard, the Commission refers to its recommendations in paragraph 106 of its conference room paper of 3 February 2016, *Out of Sight, Out of Mind: Deaths in Detention in the Syrian Arab Republic*, A/HRC/31/CRP.1 and welcomes any further information your Government may be able to share regarding implementation of those recommendations.

Furthermore, the Commission continues to receive allegations of individuals prevented from returning to their properties, including their homes, following the cessation of active fighting in Rif Damascus, including Daraya, Jobar, Harasta, Qaboun, and Yarmouk. Information detailing the precise procedure required for returning to, or visiting, their properties in areas previously impacted by hostilities, as well as information on measures concerning safeguarding individuals' property rights would be greatly welcomed.

Finally, the Commission has credible allegations of over 50 assassinations and *prima facie* unlawful killings in Daraa Governorate between January and May 2020. Those killed include civilians, medical professionals and members of Government security forces. The Commission would welcome any information available on these incidents, including but not limited to investigations, prosecutions, and protective measures taken to prevent such killings. In a similar vein the Commission reiterates its request from its Communication of 5 June 2020 (COISYRIA/16/2020) for any information available on Syrian military casualties sustained during hostilities from January 2020 to the present.

In order for the information to be received and processed ahead of its next reporting obligations, the Commission would kindly request that any inputs be received by 15 July 2020. Should your Government be in a position to facilitate any introductions or briefings, whether in-person or virtually, the Commission is ready to receive such support at the earliest possible opportunity.

We remain ready to discuss the most appropriate means by which to progress in this regard, including measures required regarding confidentiality concerning materials and information that may be provided. The Commission also takes this opportunity to reiterate its request for access to the territory of the Syrian Arab Republic to fulfil its mandate, including to facilitate dialogue in relation to requests such as contained in the present communication. For purposes clarifying details of any opportunities to collaborate or to clarify the details of this request, please contact the Secretariat, at [coisvria@ohchr.org](mailto:coisvria@ohchr.org).

The Secretariat of the Commission of Inquiry avails itself of the opportunity to renew to the Permanent Mission of the Syrian Arab Republic the assurances of its highest consideration.

Geneva, 30 June 2020



L.A.

Permanent Mission of the Syrian Arab Republic  
to the United Nations  
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REFERENCE: CO/SYRIA/32/2020

The Secretariat of the United Nations Independent International Commission of Inquiry on the Syrian Arab Republic presents its compliments to the Permanent Mission of the Syrian Arab Republic to the United Nations and other specialized institutions in Geneva, and has the honour to refer to resolution 43/28 of 29 June by the Human Rights Council which extended the mandate of the Commission for a period of one year.

In its subsequent resolution 44/21 of 17 July, the Human Rights Council requested the Commission of Inquiry to prepare a report on arbitrary imprisonment and detention in the Syrian Arab Republic.

The report is to be presented to the Human Rights Council's 46th session starting in February 2021, and is mandated to cover the concerns related to detention expressed by the Council in the resolution.

These concerns included extrajudicial killings, torture and other cruel, inhuman or degrading treatment or punishment, enforced disappearance, and other human rights violations and abuses suffered by persons unlawfully or arbitrarily deprived of their liberty; the use of sexual and gender-based violence in detention facilities; the particular vulnerabilities of children in detention; access to detention facilities for medical services and monitoring bodies; information concerning detainees to their families; and justice for those arbitrarily detained.

In its subsequent resolution 45/L.45 of 2 October, the Human Rights Council, with regard to the upcoming tenth anniversary of the beginning of the conflict, encouraged the Commission of Inquiry to reflect on this in its reporting through the analysis of key recurrent human rights concerns over the course of the conflict and continuing trends.

The Commission takes this opportunity to thank the Permanent Mission for your Government's past assistance.

In the same spirit, and as part of the Commission's ongoing efforts to gather information in relation to its forthcoming report, the Commission would like to request any information or documentation your Government may be able to submit related to arbitrary imprisonment and detention in the Syrian Arab Republic since March 2011.

In particular, the Commission would welcome information that you may have access to concerning detention and imprisonment facilities and practices by other parties, such as armed or terrorist groups including the Islamic State of Iraq and the Levant as well as Hayat Tahrir Al-Sham, and alleged violations and abuses occurring therein (location; nature of alleged violations and abuses; the identity of individuals, military units, and armed group entities responsible for such violations and abuses). In this context, the most useful forms of assistance are the facilitation of access to witnesses or victims known to you; the information regarding specific sites such as imagery and location of detention sites, as well as maps and any other relevant documentation or primary source materials.

The Commission would also appreciate information regarding detention and imprisonment by your own forces and authorities in the Syrian Arab Republic. This could include information on measures to prevent or investigate any known alleged detention-related violations and abuses as well as practical steps taken to increase human rights protections for current or former detainees and their families. For this purpose, please see the attached standard questionnaire (which the Commission is sending to all authorities and entities who have allegedly at some point detained or imprisoned people inside the Syrian Arab Republic since March 2011, in accordance with its mandate for this report).

In this regard, the Commission would particularly welcome information concerning the following facilities or prisons operated by your authorities: Sednaya Military Prison, Rif Damascus; Balooni military Prison, Homs; all branches under the control of the Military Intelligence Directorate, including but not limited to: MID Branch 215, MID Branch 227, MID Branch 235, Damascus; all branches under the control of the Air Force Intelligence, including in Mezza Airport, Harasta and Bab Touma, Damascus, and Air force intelligence branches in Aleppo, Homs, Hama, Dara and Latakia; all branches under the control of the General Intelligence Directorate, including Branch 251; as well as all branches under the control of the Political Security Directorate. Similarly, the Commission would appreciate information regarding the issuance of death sentences by Syrian Military Courts and Military Field Courts as well as executions taking place at Sednaya military prison.

Information concerning the process for investigating abuses or violations that may be committed in such facilities would also be welcomed. To this end, we attach "Out of Sight, Out of Mind: Deaths in Detention in the Syrian Arab Republic": Conference Room Paper of the Commission, A/HRC/31/CRP.1, of 8 February 2016 and the "Detention in the Syrian Arab Republic: A Way Forward": Policy Paper of the Commission of 8 March 2018.

The Commission would appreciate comments on the violations, crimes, patterns, and trends described in those reports as well as information on actions taken to punish perpetrators of crimes reported and effective actions taken to prevent violations and crimes in the detention facilities referred to therein.

We would also welcome information on the number of persons released on the basis of amnesties adopted between March 2011 and the present.

In this regard, the Commission takes note of your Note Verbale no. 38/19 of 5 March 2019 to the President of the United Nations Human Rights Council concerning the Commission's report A/HRC/40/70 of 28 February 2019 as a method of reply in this regard.

The Commission would also like to take this opportunity to renew its request for access to the Syrian Arab Republic. In particular, the Commission would appreciate access to the country to facilitate on-site investigations, including visits to places of detention. This would also facilitate a direct dialogue between the Government of the Syrian Arab Republic and the Commission.

For any questions regarding the details of this request, including the request for access to the territory of the Syrian Arab Republic, or opportunities to collaborate, please contact the Secretariat, at [coisvria@ohchr.org](mailto:coisvria@ohchr.org).

The Secretariat of the Commission of Inquiry avails itself of the opportunity to renew to the Permanent Mission of the Syrian Arab Republic the assurances of its highest consideration.

Geneva, 16 October 2020



L.A.

Permanent Mission of the Syrian Arab Republic  
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REFERENCE: COISYRIA/09/2020

**LIST OF QUESTIONS FOR EACH DUTY-BEARER OR PARTY WITH REGARD TO THE SITUATION OF IMPRISONMENT AND DETENTION IN THE SYRIAN ARAB REPUBLIC SINCE MARCH 2011:**

The United Nations Independent International Commission of Inquiry on the Syrian Arab Republic (hereinafter the Commission) would appreciate receiving information with regard to the situation of imprisonment and detention in the Syrian Arab Republic, including key detention-related recurrent human rights concerns since March 2011, for the purposes of its upcoming special report on detention. This report was requested by the UN Human Rights Council in its resolutions 44/21 of 17 July 2020 and 45/L.45 of 2 October 2020, and mandated to cover *inter alia*:

- detention-related violations and abuses such as extrajudicial killings, torture and other cruel, inhuman or degrading treatment or punishment, enforced disappearance, and other human rights violations and abuses suffered by persons unlawfully or arbitrarily deprived of their liberty including sexual and gender-based violence;
- the particular vulnerabilities of children in detention;
- access to detention facilities for medical services and monitoring bodies;
- information concerning detainees to their families; and
- justice for those arbitrarily detained.

While the Commission understands that some of the information requested relates to sensitive security information, we would greatly appreciate any information possible on these matters to aide in our task of undertaking a comprehensive inquiry.

In particular, the Commission would appreciate receiving:

**Legal framework applicable to detention in the Syrian Arab Republic since March 2011:**

1. Information concerning legislation, policies, directives, orders or other instruments concerning the administration and management of detention facilities and detention conditions, including amendments or modifications since March 2011.
2. Information on legislation, policies, directives, orders or other measures regarding safeguards for detainees, including to (i) be informed of the charges against them and of their rights; (ii) have prompt access to a lawyer; (iii) notify a relative or other person of their choice of their arrest; (iv) be brought promptly before a judge.
3. Information concerning legislation, policies, directives, orders or other instruments related to complaints systems and accountability for allegations of abuses in places of detention.

**Statistics on detention-related violations or abuses since March 2011:**

4. Annual statistical data per year - disaggregated by sex, ethnic/national origin, and age category (under 18, 18-65, over 65 years of age) - on the number of pre-trial detainees and convicted prisoners and the occupancy rate at all places of detention that you operate or control inside the Syrian Arab Republic, including:
  - a. The name, location, size (in terms of detainee capacity and square meters) of each place of detention, including specialised detention facilities (e.g., juvenile detention centres, women's detention centres, medical facilities with the capacity to hold detainees).
  - b. Number of persons held in relation to political or security crimes, including terrorism-related offenses and offenses related to violations of the laws of war, versus persons detained for 'ordinary' crimes.



3. Annual statistical data per year regarding persons released from detention and the total length of time detained upon release, disaggregated by age, gender, and pre-trial or post-conviction status.
  - a. As a subset of the total number of persons released from detention, the number of persons released on the basis of amnesties adopted between March 2011 and the present.
6. Annual statistical data per year regarding deaths in custody, and information on the manner in which those deaths were investigated.
7. Annual statistical data per year regarding transfers or extraditions of detainees or prisoners from the territory of the Syrian Arab Republic to other locations.
8. Information regarding children in detention, whether such detention has been used as a measure of last resort and limited to the shortest possible period, and measures taken to ensure that juveniles are separated from adults in all places of detention.

**Prevention of detention-related violations or abuses:**

9. Information regarding measures taken or foreseen to prevent detention-related abuses or violations by your authorities/forces, including through guidance or inspections.
10. Information concerning access to detention facilities provided to monitoring bodies (such as civil society organizations, the UN or the ICRC) to undertake independent visits.
11. Information concerning access to detention facilities provided for medical services.
12. Information concerning contact with and access to detainees for their families.
13. Information concerning measures taken to ensure respect for the principle of inadmissibility of evidence obtained through torture and ill-treatment.

**Investigation of detention-related violations or abuses; redress and support for victims:**

14. Information concerning investigations carried out into the detention-related violations or abuses that were allegedly committed by your authorities/forces, to hold the perpetrators to account.
15. Information on remedies available to victims of detention-related violations or abuses committed by your authorities/forces.
16. Information on what protection and support mechanisms are in place for victims of detention-related violations or abuses (including legal, medical or psychosocial assistance).
17. Information on any measures adopted to encourage victims to safely report allegations of such violations or abuses.
18. Annual statistical data since March 2011 on the number of complaints, investigations, prosecutions, convictions and sentences imposed in cases of detention-related violations and abuses.

**Other:**

19. Information regarding measures taken to implement recommendations made with respect to detention by the Commission of Inquiry<sup>1</sup>, other UN human rights mechanisms or other relevant bodies since March 2011.

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<sup>1</sup> The Commission's reports are all accessible on [www.ohchr.org/syria](http://www.ohchr.org/syria) (under documentation), with the recommendations usually listed last, in bold. By way of example, in its most recent report (A/HRC/45/31) the Commission inter alia recommended all parties to close all makeshift and temporary places of detention; improve health conditions and ensure prisoner releases in the wake of the COVID-19 pandemic; cease torture and other cruel treatment including sexual violence in places of detention; take measures to reveal the fates of those detained and establish an effective channel of communication with families; and facilitate unfettered access for independent humanitarian, protection and human rights organizations to places of confinement or detention.

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REFERENCE: COSYRIA/65/2020

The Secretariat of the United Nations Independent International Commission of Inquiry on the Syrian Arab Republic presents its compliments to the Permanent Mission of the Syrian Arab Republic to the United Nations Office and other International Organizations at Geneva, and has the honour to refer to Human Rights Council resolution 43/28 of 22 June 2020, in which the Human Rights Council requested the Commission of Inquiry present an updated written report during an interactive dialogue at its forty-fifth and forty-sixth sessions.

Following the presentation of its written report at the forty-fifth session, the Human Rights Council, in its resolution 45/21 of 6 October 2020, encouraged the Commission of Inquiry to reflect on the upcoming tenth anniversary of the beginning of the conflict in its reporting through the analysis of key recurrent human rights concerns over the course of the conflict and continuing trends. The reports to be presented to the Human Rights Council's forty-sixth session starting in February 2021 will reflect such key concerns and developments.

The Commission takes this opportunity to thank the Permanent Mission for your Government's past assistance.

In the same spirit, and as part of the Commission's ongoing efforts to gather information in relation to its forthcoming report, the Commission would like to request any information or documentation your Government may be able to submit related to efforts to ensure that perpetrators of abuses and violations, including those who may be responsible for crimes against humanity, are held accountable. The Commission is mandated to support such efforts, and as part of the overall trend analysis in its forthcoming report, it aims to highlight efforts to address accountability by the Syrian Arab Republic or by the national jurisdictions of third party states.

In particular, the Commission seeks information concerning investigations and prosecutions conducted by your country's judicial and law enforcement authorities concerning war crimes, crimes against humanity, and other criminal acts impacting the enjoyment of fundamental human rights allegedly committed in the Syrian Arab Republic since March 2011. This would include the number of investigations/cases/suspects, and basic data on the specific crimes alleged and legal basis for the exercise of jurisdiction. Any information that may be available concerning the details of the specific cases would also be welcome. The Commission also seeks any information on related civil litigation that may be occurring that are linked to the commission of violations of international human rights and humanitarian law in the Syrian Arab Republic.

In an effort to highlight progress on accountability, transparency, and civilian protection, the Commission would also welcome any information concerning criminal, civil or administrative proceedings to investigate allegations of violations or abuses or to hold accountable your Government's military forces or any civilian Government officials related to allegations of violations of international human rights or humanitarian law on the territory of the Syrian Arab Republic from March 2011 to the present. The Commission would appreciate information as to the disposition of such processes concerning individuals or any resulting changes to operational or tactical directives or policies.

Similarly, and as requested in the Commission's Note Verbale of 5 June, all available information on civilian casualties allegedly or confirmed to have been caused by or linked to the operations of your forces from March 2011 to the present, would also be useful. Any contextual information, including the process for investigating civilian casualty reports, measures to provide

PAGE 2

redress for victims, survivors, and their families or communities and measures taken to ensure non-repetition, would be most welcome.

Similarly, and also as requested in our Note Verbale of 5 June 2020, the Commission would welcome any statistical or detailed information concerning attacks by armed groups entailing civilian casualties or impacting civilian objects from March 2011 to the present. The Commission takes this opportunity to reiterate also the request for any data on casualties, both deaths and injuries, suffered by your national armed forces and security forces in relation to the conflict, since March 2011.

Mindful of the sensitive nature of the matter, the Commission would in particular welcome any information you may be able to share in terms of elements of your rules of engagement, or operational, tactical, or other directives issued to your forces to protect civilians from harm during operations, improve transparency or to strengthen accountability of your own or allied or partnered forces.

Such data would greatly assist the Commission in seeking to provide context in its public reporting concerning efforts to prevent and punish violations and abuses of international human rights and humanitarian law in the Syrian Arab Republic since 2011.

In order for information to be received and processed ahead of its next reporting obligations, the Commission would kindly request that any inputs be received by 29 December 2020.

We remain ready to discuss the most appropriate means by which to progress in this regard, including measures required regarding confidentiality concerning materials and information that may be provided. To clarify details of this request or opportunities to collaborate, please contact the Secretariat, at [coisyrria@ohchr.org](mailto:coisyrria@ohchr.org).

The Secretariat of the Commission of Inquiry avails itself of the opportunity to renew to the Permanent Mission of the Syrian Arab Republic to the United Nations Office and other International Organizations at Geneva the assurances of its highest consideration.

Geneva, 24 November 2020



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Permanent Mission of the Syrian Arab Republic  
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REFERENCE: COE/SYRIA/11/2021

The Secretariat of the United Nations Independent International Commission of Inquiry on the Syrian Arab Republic presents its compliments to the Permanent Mission of the Syrian Arab Republic to the United Nations Office at Geneva and specialized institutions, and has the honour to refer to Human Rights Council resolutions S-17/1 establishing the Commission and 46/22, extending its mandate until 31 March 2022.

The Commission takes this opportunity to thank the Permanent Mission for your Government's past assistance in furtherance of its mandate. In the same spirit, it requests your Government's assistance should there be information available to share regarding incidents or events impacting the human rights of persons in the Syrian Arab Republic that could aid ongoing investigations.

At present, the Commission seeks information on human rights violations and abuses in light of its upcoming mandated report to the Human Rights Council session in September 2021, which will cover events between 1 July 2020 and 30 June 2021. In this regard, the Commission requests any information your Government may be able to share regarding the incidents listed in the Annex I to this note, which allegedly occurred during this time period.

The Commission has also received credible allegations of over 130 civilian deaths, including assassinations and other *prima facie* unlawful killings in Dara'a Governorate between July 2020 and April 2021, including of medical workers, former judges, and reconciliation leaders. The Commission would welcome any information available on these incidents, including but not limited to investigations, prosecutions, and protective measures taken to prevent such killings.

Furthermore, the Commission would welcome information on Syrian military casualties during the period, as well as information concerning attacks and shelling by armed groups and other armed actors entailing civilian casualties (in addition to the information provided on the aforementioned incidents). The Commission has taken note of the information regarding civilians killed and injured provided in the identical letters from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council dated 28 July 2020, 1 September 2020, 28 September 2020, 14 October 2020, 27 October 2020, 3 December 2020, 29 December 2020 and 8 February 2021, and would much appreciate further details on the related specific incidents.

The Commission would also welcome additional information on the following recent domestic legislation:

Information received by the Commission indicates that the latest amendment of article 97 of the Military Service law, promulgated by Legislative Decree No. 30 of 2007, provides for the executive seizure of assets and that such executive seizures may also extend to the assets of immediate family members of persons who fail to comply with provisions of the law. In particular, the Commission invites the Government to confirm the application of the above mentioned provisions and provide a copy of the said amendments as published in the official Gazette; specify any provisions that will ensure compliance with regard to international standard of due process and fair trial guarantees and fair trial guarantees provided for in Syrian domestic law; and indicate the extent of the application of the new provisions, including with reference to the number of decisions that have been implemented since the adoption of said amendments, and the number of persons affected by such decisions. The Commission would welcome any copies of decisions taken in specific cases.

Further, the Commission has received information indicating that on 1 March 2021, the Syrian People's Assembly passed an amendment to the nation's Civil Status Law that deals with the renewal of the personal identity cards. In particular, Article 54 of the new law, provides that identity cards must be replaced not less than 30 days and not more than six months prior to their expiry. Further, Article 38 of the law provides that only prison directors or detainees are legally authorized to record the event of a death of a detainee, and does not stipulate the need for a medical report identifying the exact causes of death. In this regard, the Commission kindly invites the Government to clarify the current status of the law, including its adoption and application; provide a copy of its text, as well as detailed information on the measures in place to ensure that the new ID documents are accessible, including for Syrian refugees and those internally displaced outside areas of Government control, detailing the related fees, terms and conditions for the replacement of the ID documents; clarify how the new provisions will affect the status of citizens who are unable to access civil status documentation and the competent government authorities in order to replace their ID documents in accordance with the new legislation, most notably with regards to access to essential services, other civil status documentations, inheritance and property rights, as well as the right to vote; and to provide specific information on any measures that aim at ensuring that the deaths of individuals deprived of their liberty - including individuals held in the Security Branches of the Government - is recorded and certified by competent medical coroner, in line with international standards and following an investigation into the causes of death.

Lastly, the Commission kindly reiterates its request for information regarding detention and imprisonment by your own forces and authorities in the Syrian Arab Republic. This could include information on measures to prevent or investigate any known alleged detention related violations and abuses as well as practical steps taken to increase human rights protections for current or former detainees and their families. For this purpose, please see the attached standard questionnaire (which the Commission previously shared in its note verbale numbered COISYRIA/32/2020 of 16 October 2020).

In order for the information to be received and processed ahead of its next reporting obligations, the Commission would kindly request that any inputs be received by 30 June 2021. We remain ready to discuss the most appropriate means by which to progress in this regard, including measures required regarding confidentiality concerning materials and information that may be provided. Should your Government be in a position to facilitate any introductions or briefings, whether in-person or virtually, the Commission is ready to receive such support at the earliest possible opportunity. The Commission also takes this opportunity to reiterate its request for access to the territory of the Syrian Arab Republic to fulfil its mandate, including to facilitate dialogue in relation to requests such as contained in the present communication. For any questions regarding the details of this request or opportunities to collaborate, please contact the Secretariat, at [coisyrria@ohchr.org](mailto:coisyrria@ohchr.org).

The Secretariat of the Commission of Inquiry avails itself of the opportunity to renew to the Permanent Mission of the Syrian Arab Republic the assurances of its highest consideration.

Geneva, 31 May 2021



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



### Annex I

#### List of alleged incidents on which the Commission requests information for its upcoming mandated report to the Human Rights Council session in September 2021

The Commission requests information on the following incidents for its upcoming mandated report to the Human Rights Council session in September 2021:

- On 14 July 2020, in Ariha town, Idlib governorate, following an alleged attack on a joint Russian/Turkish patrol, in the mid-afternoon, alleged ground-based strikes killed two civilians and injured five, including five children.
- On 7 September 2020, on Ariha bridge, Ariha city, Idlib governorate, artillery shelling allegedly led to the death of two civilians as they waited for local transport. On the same day, shelling allegedly impacted multiple areas of Ariha town killing two and injuring five further civilians, including children.
- On 22 September 2020, in Kanaker town, Rif Damascus governorate, after Government forces encircled the town and imposed a blockade, small arms fire allegedly killed three civilians. Subsequently, other civilians were reportedly arbitrarily arrested across Rural Damascus, including children.
- On 29 September 2020, in Al-Quraya town, Al-Suweida governorate, alleged clashes between elements of the Eight Brigade of the Fifth Corps of the Syrian Arab Army and armed groups resulted in 17 casualties, including civilians.
- On 28 October 2020, in Ariha town, Idlib governorate, in the morning, alleged artillery shelling led to the death of at least two civilians, injuring three.
- On 4 November 2020, in the Midas areas of Ariha town, Idlib governorate, at around 07:30 a.m., an alleged missile strike impacted a residential area killing at least 2 women and one 10-year-old girl. The attack also reportedly impacted residential areas and a local school.
- On 22 January 2021, in the Kuzu neighbourhood of Hama governorate, at approximately 04:00 a.m., four civilians were reportedly killed, and four injured, including two children, when alleged airstrikes were countered by Syrian air defence systems.
- On 24 January 2021, in the southern suburbs of Tafas city, Dar'a governorate, alleged artillery shelling displaced hundreds of civilians, reportedly resulting in civilian deaths.
- On 6 March 2021, in Ariha town, Idlib governorate, at 15:45 p.m. alleged ground-based attacks impacted multiple locations, including a market and residential areas. One civilian was reportedly killed and seven injured, including four children.
- On 21 March 2021, in Atarib town, Aleppo governorate, alleged ground-based strikes hit the Al-Atareb surgical hospital, killing seven people, including two boys and a woman. 14 people were injured, including four hospital staff.
- On 21 March 2021, in Al Firdous and Al Saliheen neighbourhoods, Aleppo city alleged artillery shelling by armed groups reportedly led to two civilian deaths and 17 injured, including two children.

In addition, investigations conducted by the Commission indicate that Syrian Government Forces may have conducted or been involved in the following incidents (which are also included in Notes Verbales to the Permanent Missions of the Russian Federation and Turkey to the United Nations Office and other Specialized Institutions in Geneva, respectively):

- On 15 July 2020, in the al-Jahjah area of al-Bab city, Idlib governorate, at approximately 11 p.m., following an alleged attack on a joint Turkish and Russian convoy, two alleged airstrikes injured at least 15 civilians.
- On 3 August 2020, Binnish town, Idlib governorate, alleged airstrikes struck a makeshift IDP camp near to Binnish town, killing three civilians and injuring one.
- On 14 October 2020, in Al Hamama town, Idlib governorate, an alleged airstrike near Jish al Shougour, at approximately 8 a.m., resulted in 4 dead males and 16 injured people, including at least two children.

PAGE 4

- On 31 October 2020, in Nahla village, near Ariha town, Idlib governorate, an alleged airstrike injured three civilians as they collected wood, including one woman.
- On 5 March 2021, in al-Hamran village, near Jarablus town, Aleppo governorate, at approximately 7 p.m., an alleged long-range missile struck improvised oil refineries and fuel tankers, reportedly killing one civilian and injuring four civilians.
- On 5 March 2021, in Tarbeen village, near al-Bab town, Aleppo governorate, at approximately 8 p.m., an alleged long-range missile struck improvised oil refineries and fuel trucks, killing six civilians and injuring 27 civilians.
- On 21 March 2021, in the Sarmada area near the Bab al-Hawa border crossing, Idlib governorate, at approximately 5 p.m., a series of alleged airstrikes struck multiple locations in the area, including a fuel plant, lorry park and NGO warehouses. One civilian was reported killed and severe damage to civilian infrastructure was reported due to the blast, shrapnel and resulting fires.
- On 21 March 2021, Qah town, Idlib governorate, alleged ground-based strikes hit the town of Qah close to densely populated IDP camps. One civilian was reportedly killed.

For each of the incidents above, the Commission requests the following information, while cognizant that the information requested may relate to sensitive security and military information:

- Acknowledgment of involvement in any of the above incidents, and in relation to those, detailed information on precautionary measures aimed at ensuring that military sensitive areas are located far away from residential and civilian areas and other measures taken to avoid or minimize civilian harm in each operation.
- Any available overflight and/or operational strike records for the dates and locations of each incident.
- Satellite, surveillance or other imagery for each target and for both pre- and post-operations review and analysis.
- Information on internal investigations, reviews, or other process evaluating the compliance of each incident with international humanitarian law and your forces' applicable rules of engagement, and if so, whether any such reviews resulted in disciplinary or criminal proceedings against particular individuals or revisions or amendments to rules of engagement or other internal procedures to increase civilian protection.

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REFERENCE: COISYRIA/20/2021

The Secretariat of the United Nations Independent International Commission of Inquiry on the Syrian Arab Republic presents its compliments to the Permanent Mission of the Syrian Arab Republic to the United Nations Office at Geneva and specialized institutions, and has the honour to refer to its note verbale of 1 June 2021 (COISYRIA/11/2021) through which the Commission is seeking information on human rights violations and abuses in light of its upcoming mandated report to the Human Rights Council session in September 2021, which will cover events between 1 July 2020 and 30 June 2021.

In this regard, and in view of the recent disturbing events in Aleppo Governorate, the Commission is seeking information also on the reported artillery attack that was carried out in Afrin on Saturday, 12 June 2021 - as an addition to the request for information on the incidents listed in the Commission's note verbale of 1 June.

By way of further background, according to the information received, rocket and artillery shelling reportedly impacted a residential area in central Afrin city, as well as al-Shifa hospital. The attacks are said to have killed at least 13 individuals and injured 27 others, including children and medical staff. According to preliminary reports, the coordinates for the hospital, were shared as part of the UN-led deconfliction mechanism.

The Commission would be interested in any information that the authorities of the Syrian Arab Republic may be able to share in connection to both attacks (in Afrin city and on al-Shifa hospital), including: (1) any picture or video material you may possess; (2) any internal reports concerning these attacks; and (3) any other relevant information regarding potential perpetrator(s), the origin of the attack, the specific weapons used, and any security measures implemented in the aftermath of the attack (including emergency and/or law enforcement responses). Finally, the Commission would welcome information regarding potential other related incidents and on whether tensions have risen in the Afrin region or in northern Aleppo governorate as a result of the attacks.

The Secretariat of the Commission of Inquiry avails itself of the opportunity to renew to the Permanent Mission of the Syrian Arab Republic the assurances of its highest consideration.

Geneva, 15 June 2021

L.A.

Permanent Mission of the Syrian Arab Republic  
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