

# AMNESTY INTERNATIONAL PUBLIC STATEMENT



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## Syria: Parties to conflict must protect civilian population

As the conflict escalates in many parts of Syria between government forces and the Free Syrian Army (FSA) and other armed opposition groups, Amnesty International reminds all parties that it is imperative they respect the rules of international humanitarian law (IHL) which aim at sparing civilians and others not directly participating in the fighting and minimizing human suffering

There is now a non-international armed conflict in Syria and that means that IHL applies, alongside human rights law. In these conflicts, armed groups, like state forces, are legally bound by Article 3 Common to the four Geneva Conventions and applicable rules of customary IHL. Many acts that violate these rules constitute war crimes.

The leadership on both sides must make clear to the forces under their command or which act under their leadership, that violations of IHL will not be tolerated. Superiors and commanders have a duty to prevent and, where necessary, to suppress war crimes by those under their command or who they otherwise control; and they may be held criminally responsible if they fail to do so.

Accordingly, both sides in the Syria conflict must take all feasible precautions to minimize harm to civilians and civilian objects and to refrain from attacks that would disproportionately harm civilians or fail to distinguish between combatants and civilians.

Syrian government forces' warning to civilians to leave certain areas of Damascus and other towns and cities, seemingly so as to be able to launch large scale attacks, have prompted an unprecedented large-scale flight of residents to neighbouring countries. Some 18,000 are reported to have fled to Lebanon alone in the past two days.

The Syrian authorities should know that warning civilians is not a sufficient measure to protect civilians, and they cannot then proceed with an attack on the assumption that there are no civilians present. Their obligation to direct attacks only at military objectives and fighters remains, and they will be responsible for unlawful killing of civilians that would result from indiscriminate or disproportionate attacks.

Government forces have for months been killing many civilians by repeatedly using artillery and mortars to bombard densely- populated civilian neighbourhoods in different parts of the country. Firing such imprecise weapons into civilian areas amounts to carrying out indiscriminate attacks and violates IHL.

As the FSA and other groups acquire more and heavier weapons, they must refrain from using them in a manner which endangers the civilian population. The FSA and other armed opposition groups have often pointed to disproportionate or indiscriminate mortar attacks by government forces; they must know that mortars do not stop being inaccurate when they are used by the armed opposition.

FSA and other armed opposition commanders must be aware that with control of territory come responsibilities, notably to ensure the protection of the civilian population.

While government forces continue to perpetrate human rights violations on a mass scale, including crimes against humanity and war crimes, a growing number of abuses by the FSA and other armed opposition groups have been reported in recent weeks, including deliberate and unlawful killings as well as torture of captured security forces members. Such killings and the torture and ill-treatment of captives are serious violations of IHL and constitute war crimes.

Warring parties have obligations to take precautions to protect civilians and civilian objects under their control against the effects of attacks by the adversary, including to avoid - to the maximum extent feasible - locating military objectives within or near densely populated areas. International humanitarian law also expressly prohibits the use of tactics such as using “human shields” to prevent an attack on military targets.

The UN Security Council’s failure to include a human rights component in the mandate of the UN Supervision Mission in Syria (UNSMIS), which was extended for a final 30-day period today, underlines the inadequacy of the international community’s response to the ever deteriorating human rights situation in Syria.

Public Document

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