

## HUMAN RIGHTS IN THE MIDDLE EAST AND NORTH AFRICA: REVIEW OF 2018

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# SYRIA

Syrian Arab Republic

Head of state: **Bashar al-Assad**

Head of government: **Imad Khamis**

Parties to the armed conflict continued to commit with impunity serious violations of international humanitarian law, including war crimes, and gross human rights abuses. Government and allied forces carried out indiscriminate attacks and direct attacks on civilians and civilian objects using aerial and artillery bombing, including with internationally banned weapons, killing and injuring hundreds of people. Government forces maintained lengthy sieges on densely populated areas, restricting access to humanitarian and medical aid to thousands of civilians. Government forces lifted the siege of Eastern Ghouta in April; this was followed by restrictions that impeded some of the displaced civilians from returning to the formerly besieged areas. Security forces arrested and continued to detain tens of thousands of people, including peaceful activists, humanitarian workers, lawyers and journalists, subjecting many to enforced disappearance and torture or other ill-treatment, and causing deaths in detention. Government forces disclosed the fate of some of the disappeared but failed to provide the families with remains or information around the circumstances of the disappearances. The government violated the right to housing. Armed opposition groups with the support of Turkey subjected civilians in Afrin to a wide range of abuses, including confiscation and looting of property, and arbitrary detention, torture and other ill-treatment. The US-led coalition failed to acknowledge or investigate the large scale of civilian deaths and destruction caused by their 2017 bombing campaign on Raqqa against the armed group calling itself Islamic State (IS). By the end of 2018, the conflict had caused the deaths of more than 400,000 people and displaced more than 11 million people within and outside Syria.

## BACKGROUND

The armed conflict in Syria entered its eighth year. Government forces and their allies, including Russia and Iran, captured areas previously held by armed opposition groups in Eastern Ghouta, the northern part of Homs governorate and Daraa governorate. This led to the evacuation to Idlib of armed fighters and their families and some civilians, especially humanitarian workers, doctors and rescue workers.

The US-led coalition, with the support of the Syrian Democratic Forces (SDF), continued to attack IS positions in Deir el-Zour governorate in eastern Syria. Armed opposition groups supported by Turkey captured Afrin, a predominantly Kurdish area, in northern Aleppo governorate. They attacked the SDF, killing and injuring scores of civilians and displacing hundreds to neighbouring towns and villages. Clashes between armed opposition groups such as Hay'at Tahrir al-Sham, the Ahrar al-Sham Islamic Movement and the Nour el-Dine Zinki Movement in Idlib governorate killed and injured several high-level commanders and civilians. Several attacks by Israel targeted Iranian and Hizbullah forces in Syria.

Russia continued to block efforts by the UN Security Council to pursue justice and accountability. On 10 April, Russia vetoed a resolution aimed at identifying the perpetrators of a chemical weapon attack in Douma in Damascus Countryside governorate three days earlier. On 14 April, the USA, UK and France accused the Syrian government of perpetrating the attack and launched several strikes on government positions. On 27 June, the Organisation for the Prohibition of Chemical Weapons passed a resolution granting it a mandate to identify perpetrators of chemical weapons attacks.

UN efforts to broker peace and establish a committee to draft a new Syrian constitution were unsuccessful. Talks by parties to the conflict and their allies continued in various capital cities. The sponsors of the talks – Russia, Iran and Turkey – aimed to address the issue of detentions and abductions in Syria as well as the situation in Idlib. In September, talks brokered by Russia and Turkey resulted in a 15km demilitarized zone on the southern Idlib front line. As part of the deal, armed opposition fighters and government forces withdrew from the zone, paving the way for Russian and Turkish forces to monitor the deal's implementation.

The Independent International Commission of Inquiry on the Syrian Arab Republic, established by the UN Human Rights Council in 2011, continued to monitor and report on violations of international law committed by parties to the conflict, although it remained barred by the government from entering Syria.

In June, a German court issued an international arrest warrant against Jamil Hassan, head of the Syrian Air Force Intelligence, accused of overseeing the torture and other ill-treatment, including rape, of detainees between 2011 and 2013. In November, French prosecutors issued international arrest warrants against three senior government and intelligence officials, including Jamil Hassan; Ali Mamlouk, head of the National Security Bureau; and Abdel Salam Mahmoud, head of the Air Force Intelligence Investigative Branch at Mezzeh military airport.

## **ARMED CONFLICT – VIOLATIONS BY THE GOVERNMENT AND ITS ALLIES**

### **DIRECT ATTACKS ON CIVILIANS AND CIVILIAN OBJECTS AND INDISCRIMINATE ATTACKS**

Government and allied forces continued to commit war crimes and other serious violations of international humanitarian law, including indiscriminate attacks and direct attacks on civilians and civilian objects. Government forces, with the support of Russia, repeatedly attacked areas controlled by armed opposition groups, including Eastern Ghouta and Daraa and Idlib governorates, killing and injuring civilians. They carried out indiscriminate attacks and direct attacks on civilian homes, hospitals and medical facilities, including artillery shelling and air strikes, often using unguided weapons such as barrel bombs, incendiary weapons and internationally banned cluster munitions. For example, on 22 March, Russian forces carried out an air strike using an incendiary weapon on a residential building, burning to death 37 civilians – mainly women and children – in an air-raid shelter in Arbin, Eastern Ghouta.

Between January and April, government forces attacked 22 hospitals in Eastern Ghouta, according to local humanitarian organizations, killing and injuring several civilians, including medical workers and patients. In July, government forces, with the support of Russia, attacked five field hospitals in al-Harak, Busr al-Harir, Mseifra, Seida and al-Jiza in Daraa governorate, damaging or destroying the field hospitals and preventing medical workers from providing medical services.

### **SIEGES AND DENIAL OF HUMANITARIAN ACCESS**

Government forces continued to besiege Eastern Ghouta, a predominantly civilian area in Damascus Countryside governorate, until April, when armed opposition groups surrendered following relentless bombing of civilian areas and after reaching three local agreements with armed groups, leading to the evacuation of fighters and displacement of some civilians.

During the siege, government forces had deprived around 250,000 residents in Eastern Ghouta of access to medical care, other basic goods and services and humanitarian assistance. Doctors and medical workers were unable to provide adequate medical care to those injured by air strikes, artillery shelling and other attacks, or to those who were ill owing to a lack of surgical supplies, medical equipment and medicine, particularly for the treatment of chronic diseases such as cancer, heart problems and diabetes. The lack of access to food, humanitarian aid and other life-saving necessities led to a rise in acute malnutrition. Government forces continued to restrict access to UN humanitarian agencies and their implementing partners across Syria.

### **RESTRICTION OF CIVILIAN MOVEMENT**

Despite the lifting of the siege of Eastern Ghouta in April, government forces continued to restrict the movement of civilians in and out of Douma, a town in the area. Some civilians were allowed to return to their homes following a security screening, but others were allowed to access the area for only 48 hours if they left their ID with security forces. People residing in Douma needed authorities' approval to leave the town.

Afrin residents fleeing a military offensive by Turkey-supported armed groups sought refuge in the al-Shahba region. Government forces allowed some of the injured and chronically ill to access Aleppo city, the nearest place where they could receive adequate medical care. Many, however, failed to obtain such permission. Government forces also prevented civilian movement outside the al-Shahba region, forcing many people to pay large amounts of money to smugglers to evade the restrictions in order to search for adequate living conditions.

## **ARMED CONFLICT – ABUSES BY ARMED GROUPS AND ALLIES**

### **CONFISCATION AND LOOTING OF PROPERTY**

In March, Turkey's military and armed opposition groups receiving Turkish military support, including Ferqa 55, Jabha al-Shamiye, Faylaq al-Sham, Sultan Mourad and Ahrar al-Sharqiye, gained control of Afrin, a predominantly Syrian Kurdish area in northern Aleppo governorate, after an offensive launched against the People's Protection Units (YPG), the military force of the Autonomous Administration governed by the Syrian Kurdish Democratic Union Party (PYD). These armed groups confiscated and looted civilian property, using homes as military headquarters. Residents saw their homes and businesses used and run by displaced families from Eastern Ghouta and Homs. For example, Ferqa 55 confiscated and used the home of a resident in Afrin as a military base while another armed group took control of two of his shops.

Some of these groups, and Turkish armed forces, turned schools into military bases, preventing access to education for thousands of children.

### **ARBITRARY DETENTION, TORTURE AND OTHER ILL-TREATMENT**

Armed groups supported by Turkey were responsible for at least 86 incidents of arbitrary detention of civilians for ransom, as punishment for residents who asked to reclaim their property or because of baseless accusations of affiliation to the PYD or YPG. For example, a man who returned to Afrin following the end of the offensive was taken away by a pro-Turkey armed group who refused to tell his relatives his whereabouts or fate. He had been the head of a civilian local committee perceived to support the PYD.

The pro-Turkey armed group Sultan Mourad arbitrarily detained journalists, teachers, engineers and activists, as well as former employees of the PYD and YPG fighters, and subjected some to torture and other ill-treatment.

## **ARMED CONFLICT – AIR STRIKES BY US-LED COALITION**

Despite mounting pressure, the US-led coalition continued to deny responsibility for causing hundreds of civilian deaths in Raqqa during the four-month bombing campaign to defeat IS in 2017. By June 2018, the coalition had accepted responsibility for just 23 civilian deaths there. A month later, following an in-depth investigation by Amnesty International, it accepted responsibility for a further 77 civilian deaths. However, this admission did not lead to any measures to compensate victims, and the coalition continued to block requests to disclose the circumstances in which the fatal strikes took place.

## **ABUSES BY THE PYD-LED AUTONOMOUS ADMINISTRATION**

The Autonomous Administration continued to control most of the predominantly Kurdish northern border regions. It arbitrarily arrested and detained a number of Syrian Kurdish opposition activists, including members of the Kurdish National Council in Syria. Many were held in prolonged pre-trial detention in poor conditions.

## **REFUGEES AND INTERNALLY DISPLACED PEOPLE**

By the end of the year, 6.6 million people had been displaced within Syria and more than 5 million people had sought refuge outside Syria since the start of the crisis in 2011. Lebanon, Jordan and Turkey, the countries hosting most of the refugees, continued to block the entry of new refugees, exposing them to further attacks, abuses and deprivation in Syria. The number of resettlement places and other safe and legal routes for refugees offered by Western and other states fell far below the needs identified by UNHCR, the UN refugee agency.

In 2018, around 14,800 refugees from Lebanon and 750,000 internally displaced people returned to their homes in Aleppo, Homs, Hama, Damascus and Damascus Countryside governorates, according to UNHCR. The authorities in Lebanon and Turkey said that over 300,000 refugees returned to Syria. The dire humanitarian conditions in neighbouring countries – exacerbated by the lack of humanitarian aid, the inability of refugees to find jobs, and administrative and financial obstacles to obtain or renew residency permits – pushed refugees to return to a precarious future in Syria.

In northern Syria, thousands of displaced people continued to live in makeshift camps that did not provide an adequate standard of living, with limited access to aid, basic services, food, health care, education and livelihood opportunities.

## **ENFORCED DISAPPEARANCES**

Syrian security forces held thousands of detainees without trial, often in conditions that amounted to enforced disappearance. Tens of thousands of people remained disappeared, the majority since 2011. They included peaceful activists, humanitarian workers, lawyers, journalists, peaceful critics and government opponents as well as individuals detained in place of relatives wanted by the authorities.

In May, the government disclosed the death of some of the disappeared by updating civil status records. For example, the relatives of brothers Yehya and Maen Sherbaji, who had received no information about their whereabouts or fate since they were forcibly disappeared in 2012, found out they were dead when the authorities updated the civil status records. In such cases, the authorities failed to provide the families with remains or information about the circumstances of the enforced disappearance and death.

## **RIGHT TO HOUSING**

In 2012, the government adopted Legislative Decree 66, allowing authorities to demolish informal settlement areas in Damascus and Damascus Countryside governorates to convert them into urban development zones. In February 2018, the government passed Law 10, which gives land and home owners or their relatives one year to assemble the necessary paperwork and claim their property once a zone has been designated. According to research by the Norwegian Refugee Council, barely one in five Syrian refugees has title deeds in their possession. While the legislation provided some provisions that ensure the right of home owners in designated zones to apply for alternative housing and financial compensation, it fell short of protecting the rights of people who lived in informal settlements, who lack security of tenure and whose residence is unlikely to be recorded in the land registry. It was not clear what would happen to unclaimed properties.

Women whose husbands or fathers had been killed or gone missing during the conflict faced serious obstacles in claiming their property as the deeds were often in the name of their male relatives. Such women lacked the required official documentation or proof of the whereabouts of their male relatives that would allow them to act on behalf of the deed holders.

## **DEATH PENALTY**

The death penalty remained in force for many offences. The authorities disclosed little information about death sentences passed and no information on executions.