

AMNESTY INTERNATIONAL BRIEFING

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Syria: Indiscriminate attacks kill, terrorize and displace civilians

Indiscriminate air bombardments and artillery strikes by the Syrian army are killing, maiming and terrorizing the residents of Jabal al-Zawiya and other parts of the Idlib and north Hama regions.

Every day civilians are killed or injured in their homes, in the street, while running for cover or trying to shelter from the bombings. Hundreds have been killed or injured in recent weeks, many of them children, in indiscriminate attacks.

Battlefield weapons and munitions – unguided bombs dropped from the air and imprecise artillery shells and mortars which have a wide impact radius and cannot be aimed at specific targets – are now being used daily against residential areas, significantly increasing the number of civilian casualties. Such indiscriminate attacks violate fundamental provisions of international humanitarian law, as they fail to distinguish between military targets and civilian objects. In the Idlib, Jabal al-Zawiya and north Hama regions, where Amnesty International carried out its investigations for this report, such attacks account for the overwhelming majority of civilian casualties in the current phase of the conflict and have forced massive civilian displacement. Unexploded ordnance and remnants of weapons found at the scene of strikes in the areas visited by Amnesty International include: air-delivered Soviet era unguided fragmentary OFAB-100-120 bombs and other unidentified unguided bombs packed full of pieces of metal rods for maximum impact; 122mm artillery shells; 120mm mortars (in one case an 82 mm mortar); and S5 rockets.



One of the unexploded unguided fragmentary OFAB 100-120 bombs frequently dropped by aircraft on civilians in residential areas.

One of the unexploded bombs packed full of metal rods frequently dropped by aircraft on civilians in residential areas. © Amnesty International

One of the unexploded 122mm artillery shells which rain down on civilians in residential areas. © Amnesty International

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Some towns and villages have been virtually emptied of their residents, many of whom are now camping out in the surrounding countryside or hiding in caves; others are crowding in with relatives in what they hope are safer areas, while others have sought

refuge in Turkey – or are currently stuck at the border with Turkey waiting to flee the country.

With the attention of the international media mostly focused on the fighting in Aleppo and the capital, hardly any news reaches the outside world about the horrors of daily life for the residents of Idlib, Jabal al-Zawiya and north Hama regions.

Amnesty International visited 26 towns and villages between 31 August and 11 September and carried out on-the-ground field investigations into indiscriminate attacks which killed 166 civilians (including 48 children and 20 women) and injured hundreds of others. In recent days Amnesty International has continued to receive information from residents of several villages about ongoing air and artillery attacks, some of which have resulted in yet more civilian casualties.¹



Maryam al-Sadd, 35, lost her right hand, her daughter Rama Makluta, 5, was killed and her son, Naji, 2, lost a finger when a 120mm mortar struck their home in Kfar Ruma (south of Jabal al-Zawiya), Syria, on 25 July 2012. © Amnesty International

While the presence of fighters and military objectives from all parties within residential areas has further heightened the risk of harm to the civilian population,² there were no armed confrontations or activities by armed opposition fighters at the times of all of the attacks documented in this report except one (detailed below), nor were there military targets near the locations struck during these attacks, which were indiscriminate by the nature of the munitions and the manner in which they were used. The random nature of the strikes, which did not target fighters or military objectives, suggests that the aim of such strikes may be to punish residents of towns and villages which are now under the *de-facto* control of opposition forces for their presumed support for the opposition. If this is indeed the aim of the bombardments, these would constitute direct attacks on civilians/civilian objects.

Amnesty International witnessed daily indiscriminate air strikes and shelling in towns and villages throughout the region, several of which killed or injured civilians.

In the afternoon of 1 September a mortar landed in a residential area in the centre of Kan Safra, in Jabal al-Zawiya, killing Khaled Yamani, a young man from a nearby village who was there to visit his fiancée. His father was also injured. A resident of the neighbourhood said: “*Khaled and his father had just got out of the car and Khaled was locking the car door when the mortar landed right next to him. He was killed on the spot, torn to pieces. His father was already across the road and was injured but not too seriously because most of the shrapnel flew in the opposite direction.*”

Nearby houses were sprayed with shrapnel, which penetrated at least one house where residents told Amnesty International they had escaped injury because they had been hiding in a more sheltered part of the house, under the stairs in the basement.

Four days later, two more shells landed in the centre of the village, in the gardens of two houses. The soft garden soil largely contained the impact of the blast, but shrapnel from the shells cut down trees around the gardens and tore large holes in the outer walls of nearby houses. One family were sitting in their front garden when one of the shells fell in the back. The owner of the house told Amnesty International: *“We are hosting our relatives who have escaped the bombing in another village. Had the shell landed on this side of the house, we would all have been killed. Nowhere is safe anymore. Where can we go?”*

A young woman who was in the other house told Amnesty International: *“I was standing by the window in the living room and my little girl was by my feet, when I heard an incredibly loud bang and the glass from the window shattered and flew down on us. I thought we were going to die”.*

Ma'arat Misrin, a town of some 40,000 a few kilometres from Idlib city, was until a few weeks ago hosting families who had escaped army incursions and fighting in towns and villages in the Idlib and Aleppo governorates. It is now largely deserted and is being bombed indiscriminately every day. Amnesty International visited the town three times (on 8, 9, 10 September) and each time indiscriminate shelling struck residential areas where some civilians remain.

In the afternoon of 9 September, four artillery shells landed in the space of half an hour. As in most cases witnessed by Amnesty International, two shells struck near each other, one shortly after the other. Nabila Haddad, a 37-year-old mother of four, and her cousin Ahmad Haddad, in his late 40s, were killed and Nabila's 15-year-old son and three other relatives were seriously injured. Nabila and her family were on the pavement less than 200 metres from their home when the two shells landed in the street, one right next to them.



Destroyed houses in Killi (Idlib region) as witnessed in September 2012. © Amnesty International

In the late afternoon of the previous day, while the Amnesty International delegate was investigating an earlier air strike which had killed several civilians, two shells landed in the next street, one striking a two-storey house and the other landing in the middle of the street. In the house, which was partially destroyed, were 10 members of a family. They were badly shaken and covered in cement dust, but fortunately unharmed. Some had rushed outside and others were huddled in a room, too afraid to move. One of them told Amnesty International: *“We were sitting here*

drinking tea, the whole family, when the shell landed on the house and the upper floor collapsed on us. The women and children were so scared. Why do they bomb civilians, children? What are we supposed to do? We have nowhere else to go.”

They had been sitting in a room in the inner-middle of the house, leading to a tiny courtyard, on the ground floor. The shell smashed through the roof into the upper floor, above the kitchen, next to where the family was sitting. Part of the upper floor collapsed over the kitchen and the next room, but luckily the ceiling collapsed at an angle, shielding the family. Had they been sitting only a few metres closer to the kitchen they would have been crushed under the rubble.

CHILDREN KILLED OR INJURED BY INDISCRIMINATE BOMBINGS/ SHELLING

Leaflets dropped by Syrian army helicopters over villages in Jabal al-Zawiya show crying children with masked gunmen in the distance and read: *“Do not steal the smile from children’s lips”*. Another leaflet shows a uniformed soldier taking aim with his rifle in front of a baby in a pushchair, while a masked gunman takes aim with his rifle from behind a baby in a pushchair. The message that such leaflets seek to convey is that the Syrian armed forces are concerned with the protection of children.

The reality on the ground is very different. The relentless indiscriminate air bombardments and shelling are killing mostly civilians, including many children.



Three-year-old Mohamed Fadi Habboub (left), along with his sister and his 18-months-old cousin Laith (right) as well as another cousin (11 years old) were killed when their home was bombed on 14 August in the village of Shellakh (near Idlib). Two other family members were injured. © Private

Four children, Ghofran Habboub (four), her brother Mohamed (three) and their cousins Laith (18 months) and Qusai (11 years) were killed when their home was bombed on 14 August in the village of Shellakh (near Idlib). Another child, Qusai’s brother Ahmed, aged 14, sustained a broken hip and Ghofran and Mohamed’s father sustained multiple fractures and injuries. He told Amnesty International: *“The children were downstairs, some sleeping and some playing, when an aircraft dropped a bomb on our home and the second floor collapsed onto the first floor, just where the children were. It was about 12.30 pm. This was the first time that the village was bombed from the air but since*

then there have been more bombardments. Today (9 September) the village was shelled at 2 am and again at about 2pm. Two strikes each time. I cannot move from my bed and every time there is another strike I am terrified for my little girl. I only have her left and I can't do anything to protect her." Neighbours who helped rescue the family after the attack showed Amnesty International where the bodies of the children had been found under the rubble of their home. The surviving members of the family are now sheltering with relatives as their home was completely destroyed.

Two five-year-old girls, Hajar Rajwan and Ines Sabbouh, Hajar's brother Mohamed 'Ali (11) and her cousin Sou'ad (10), were killed when a mortar exploded outside their home on the evening of 18 August in Ma'arat al-No'man, south of Idlib. Four other children were seriously injured. Fatima Rajwan, Sou'ad's sister, aged five, lost her right leg; 'Isam Rahoum, aged seven, sustained severe abdominal injuries and had his spleen and pancreas removed; and 18-month-old Saddam and 11-year-old 'Abd al-Karim both sustained multiple shrapnel injuries. The children's parents told Amnesty International that the children had been playing in the street outside their homes when the mortar shell landed. The walls on both sides of the narrow street are full of holes from the deadly shrapnel and children from neighbouring houses showed Amnesty International the fragments they had collected from the street after the attack that had killed and injured their friends.



Four members of the al-Bajri family were killed when their home in Ma'arat al-No'aman (south of Idlib) was struck by a mortar shell on 12 July 2012. © Private

In a neighbourhood in western Ma'arat al-No'man, another family home was struck by a mortar shell on 12 July, killing Hassan and Rayan al-Bajri, aged 11 and eight, their mother Salha and father Naasan, and two of their neighbours. The children's 12-year-old brother Mustafa sustained serious abdominal injuries, which damaged internal organs, and lost two fingers from his right hand. He and his four remaining siblings are now being looked after by their elderly grandparents.

The town is partly under the control of government forces and partly under the control of the armed opposition. The areas which have been the target of regular shelling in recent months and weeks are under opposition control, and residents pointed to a military base on the outskirts of town from where they say the attacks originate. In the late afternoon of 6 September, while Amnesty International was present in the town, at least two mortars coming from the area under government control landed in the part of the town under opposition control, causing no casualties as they fell in empty spaces on the edge of the built up area.

An air strike on the small village of 'Ainkawi (north of Hama) killed three children and two young men, and injured tens of others, in the morning of 1 September. The bomb landed and exploded in an orchard surrounded by houses, sending deadly fragments flying hundreds of metres in all directions. A five-year-old girl, Maram Bassam Qaddi, was in her home, by the patio door, when she was struck by a fragment from a bomb which landed some 200 metres away. She sustained serious head injuries and died of her wounds shortly after arriving at the hospital of a nearby village. Ahmed Hamdo, aged 11, died on arrival at the hospital. Doha Sattouf, aged 15, was killed as she stood some 150

metres from where the bomb landed; a large fragment cut off most of her head. Doha Sattouf's father told Amnesty International that his daughter had just finished the ninth grade, and was looking forward to going to secondary school.

Several children and women were among those injured in the attack. Among them was three-year-old Mothanna Abdo, who had gaping wounds in his right thigh. Fragments from the bomb had penetrated his thigh from side to side. Mothanna's mother suffered a serious back injury and another woman had two fingers and part of her hand lacerated by shrapnel. The child and others injured in the attack had to be evacuated to Turkey, as the local hospitals only have basic facilities and cannot adequately treat patients with such serious injuries.

A double air strike on a house in the village of Tarmala (south of Jabal al-Zawiya) in the early afternoon of 20 August killed three sisters, Heba, Suraya and Ghofran Sulayman, aged seven, eight and nine, their aunts Redha Zwadi, 28, and Halima 'Alaiwi, 60, and their uncle Trad Zwadi, 35. Fifteen other family members – 13 children and two women – were injured.

A relative who lives next door told Amnesty International: *"It was a massacre, everyone in the house was killed or injured. We couldn't see anything at first because of the thick dust. Then we found them all dead or injured. They were all women and children. How can they bomb houses full of women and children? It was the second day of 'Eid,³ and they were sitting all together eating and the house was brought down on top of them."*



Halima 'Alaiwi, 60, and her son and daughter and three nieces aged 7, 8 and 9, were killed when the family home in village of Tarmala (south of Jabal al-Zawiya) was bombed on 20 August as the family was eating lunch. Fifteen other family members – 13 children and two women – were injured.

© Private

Ahmad Sulayman told Amnesty International: *"The missile struck the roof just above where they were gathered. It was a massacre. Three of my daughters were killed and the fourth one was badly injured; the other children had horrible injuries. Redha's children were rescued from under the rubble; a boy of four months who was breastfeeding, and a girl of 18 months. It is a miracle that they survived. Their mother was killed protecting them with her body. Our aunt Wardeh was wounded in the head and is now paralyzed. Why bomb innocent civilians in their homes? How can this be allowed? The children were*

at their grandmother's house. My wife died two years ago. I had my precious four girls and one boy and now three of my little girls are gone. Why? There is no reason. All I have left is one daughter and one son. They were injured but survived, thank God. May God help us."

In Killi (Idlib region) a whole family perished when their home was bombed on 15 August. Marwa Khattab, aged three, her 18-month-old brother Bilal, their parents, 25-year-old Yahia and 20-year-old Rabi'a, and their grandmother Fatima Khattab, were in their home when it was destroyed in an air strike at about 12.30 pm. Only one child, five-year-old Mohamed survived. At the time, since the previous day, government and opposition forces were engaged in fighting several kilometres from the village and government forces launched a large numbers of indiscriminate air strikes in the area, including in Killi and other neighbouring towns and villages.

RESIDENTS KILLED WHILE SHELTERING OR FLEEING BOMBARDMENTS

Because of the indiscriminate nature of the bombardments, there is little residents can do to protect themselves. Many of the victims were killed in the very places where they had sought shelter, hoping they would be safe, or as they were running for cover.

In Ma'arat Herma (south of Jabal al-Zawiya), 15 civilians were killed and dozens were injured in two twin air strikes in the centre of the village in the late afternoon of 26 August.

Dou'a al-Thalluj and her two-year-old son Mustafa were killed while trying to run to safety. Her husband, Ahmad Rahal, told Amnesty International: *"After the first strike nearby, my wife took our son and ran out of the house to go to my brother's house next door, where there is a cellar. She crossed the garden, opened the front door to the street and as soon as she got to the street there was a second strike. She was holding our little boy and they were both killed on the spot. How have we come to this? Our own government is killing its people, women, children, bombing civilians indiscriminately; and nobody is doing anything to stop this. We have been forgotten by the whole world."*

Her neighbour, 25-year-old Lamia al-Nabo, was killed in the same airstrike while running from her home to her brother's – only a few metres away – with her sister and two brothers, all three of whom were injured. Her brother and sister told Amnesty International they were next to their sister when she was hit by a flying fragment and killed.

Ahmed Sultan, a 16-year-old tenth-grade student, was killed trying to reach shelter. His mother told Amnesty International: *"We heard the aircraft above and we came running to the cellar. The younger children and I got to the cellar but Ahmed was still on the stairs when the missile exploded in the middle of the road a few metres away. There was a loud explosion, debris flying around and dust so thick I could not see anything. Then we found Ahmed in a pool of blood; his legs had been blown off and his abdomen was cut open."*

Ahmed's uncle, 'Abdallah, a 35-year-old father of three, and another 16-year-old schoolboy from the neighbourhood, Ahmed Rahal, each lost a leg and sustained fractures in other limbs. 'Abdallah said that he had just got off his motorcycle and was walking towards his home when the strike happened. Ahmed Rahal said that he and a friend were

standing on the corner looking at the plane: *“I did not expect the plane to bomb. We were not afraid of the planes because until that day they had not bombed our village. Now when I hear bombings even far away I get very scared, but I can’t move from my bed.”*

One of those killed in the strikes – Mus’ab Ibrahim al-Thalluj, a 31-year-old father of two – had fled the nearby village of al-Tamana⁴ and was staying with relatives in Ma’aret Herma.

Aircraft dropped several unguided bombs on the centre of the village of Kan Safra (in Jabal-al-Zawiya) on the morning of 24 August, killing seven civilians - four children and three women. The two-storey house of Mohamed al-Hamdo was completely destroyed, as well as the neighbouring houses on both sides. Mohamed al-Hamdo told Amnesty International: *“My children were sleeping upstairs and as we heard an aircraft bombing outside the village some 30 neighbours came running to shelter in our cave and at the same time I called my children to come down and go to the cave. The bomb struck just as some of my children were still on the stairs, before they got down to the cave. My wife Miriam, my daughters Manar (16) and Bara’ (22), my son Ahmed (12) and my niece Maysa’ (18) were killed. Many were injured, including my 75-year-old mother, three of my brother’s daughters, the children of one of my nieces and other relatives and my neighbour Majed. The plane struck just after the neighbours had gathered by my house, as if the gathering was the target; luckily almost everyone had got into the cave; a minute earlier and the massacre could have been even worse.”*

Another air strike a few streets away at the same time killed 10-year-old Hoda al-Khallaq and wounded four other girls. A 17-year-old boy, Abd al-Razzaq al-Khalil, was killed in yet another strike nearby.

An earlier strike on 7 August killed a one-year-old baby girl, Mays al-Dik, whose family was sheltering with relatives in Kan Safra, having fled the fighting in their own village. Her mother told Amnesty International: *“We went to Kan Safra because we were afraid that the army would shell our area. Fighters from the Free Army (opposition fighters) had told us that we should leave because they were going to hit a nearby army checkpoint and that it was likely that the army would strike back and we would be at risk. So we left but we found death instead of safety. The village where we were staying was shelled and my baby daughter was injured in the head by a fragment from the shell. She had a large hole in the back of her head. There were no cars available and we tried to take her to hospital by motorbike, but just as we were about to set off, the plane bombed again and we had to take cover and in the meantime my baby died of her wound.”*

In Zardana (near Idlib), Lina ‘Arouf, a 28-year-old mother of a young boy, her 13-year-old brother Hassan and her 30-year-old husband Mahmoud were killed as they fled their home on the morning of 5 September. Lina’s mother, another of her brothers and her three-month-old niece were injured. A neighbour who witnessed the attack told Amnesty International: *“We heard the shelling and ran for cover. Lina and her family were less than 50 metres behind us when the shell exploded.”* Another neighbour told Amnesty International: *“Lina was horribly mutilated but she was bent over her little boy and he was saved because she shielded him with her body. But now the boy has lost both his parents.”*

Two days earlier, a nearby school hosting displaced families from other villages had been sprayed with large calibre bullets from a helicopter. All the displaced people fled the school. A girl from the nearby town of Taftanaz (now under daily bombardment and virtually emptied of its population) who returned to shelter in the school with her mother and siblings, told Amnesty International: *“We had to flee our home and we cannot go back. Here too we were under attack so we left the school, when everybody fled, after the attack. But we have nowhere else to go to, so we came back here. God willing they won’t bomb us again and we will be safe here”*.

With nowhere safe, villagers often shelter in old Roman caves for protection from the air bombardments and shelling. Such caves, where they exist, are usually on the outskirts of villages and not easily reachable when residents need to flee incoming bombardments. In several villages, Amnesty International found large numbers of residents who were spending most of their time in caves, overcrowded because there are so few, and particularly uncomfortable when there is no electricity (which is usually the case for several hours a day and sometimes for days at a time). Some families have been digging makeshift underground shelters near their homes, a demanding and challenging undertaking requiring time and resources, but one which terrified residents see as the only option to protect their families from the relentless bombardment and shelling.

ATTACKS ON GATHERINGS



Residents queuing for bread in Ma'arat Misrin, next to a large crater from a recent air strike, during which people had also been queuing for bread, which resulted in some casualties but fortunately no fatalities, September 2012. © Amnesty International

In the village of Kafr Anbel, 35 civilians were killed and scores were injured in two separate air strikes, on 22 and 28 August. Twenty-two were killed when the market square was bombed on 28 August. Some were shopping, like Fathiya Fares Ali al-Sheikh, a 56-year-old mother of nine, and Fu'ad Hassan al-Ahmad, a 63-year-old father of six. Others were in their homes or shops around the market square. Teenagers Mohamed and Jumaa al-Sweid and their father Abd al-Karim were killed in their shop,

as was 34-year-old Mohamed Musa. Amna Kheiro al-Sweid, a 66-year-old widow was killed in her home, above Musa's shop.

The market square, which had become well known for its weekly anti-government demonstrations with creative multilingual banners, is now largely destroyed.

Six days earlier, a bombardment near a secondary school (Zika school) and a grocery store killed 13 civilians, including 31-year-old Zahia al-Aabbi. Her father told me: *“Zahia collected plastic around the village and then sold it and with her work she provided for the whole family – her mother and sisters and disabled brother. I am blind and cannot work anymore. Zahia looked after the whole family. She was killed near the grocery shop*

of Salha al-Shayeb, an elderly woman who was also killed in the bombardment and her grocery shop was destroyed.”

Between 31 August and 7 September an Amnesty International delegate witnessed further indiscriminate strikes on the village on three separate occasions, including an airstrike on 31 August which destroyed and damaged several buildings – including a clinic and the mosque - in one of the village’s main streets. No casualties were reported as residents and passersby had fled as soon as they heard the aircraft above.

Attacks such as the one in the market in Kafr Anbel, and repeated strikes near hospitals shortly after the hospitals receive large numbers of casualties have raised suspicions that these areas might have been targeted because of the large numbers of people gathered there. Amnesty International documented the use of weapons in these attacks which do not allow pinpoint targeting, but would allow for the targeting of areas. If this were the case, such strikes would constitute direct attacks on civilians, a serious violation of international humanitarian law (IHL) and a war crime.

A rocket attack which killed two boys on the morning of 15 August in the village of Ram Hamdan, near Idlib, indicates that when government forces are intent on targeting opposition fighters they use more precise weapons. This raises further questions as to why they continue to launch indiscriminate attacks against residential areas using weapons (unguided bombs and artillery and mortar shells) which cannot be aimed at specific targets and are known to be causing mostly civilian casualties. Mustafa Deeb, 15, and Husam Sleibi, 17, were killed by a rocket fired from a Syrian armed forces helicopter on the morning of 15 August. Opposition fighters had been firing on the helicopter with an anti-aircraft machine gun from the edge of the village, and the two boys were watching from the roof of a house about 80-100 metres away, so it is possible that they were mistaken for opposition fighters. The remains of the rocket found at the scene were those of a Russian-made S 5. Although not noted for their accuracy, these rockets are capable of being directed at a specific building (unlike artillery and mortars). It would thus appear that when government forces want to target opposition fighters posing a danger to their forces (as may have been the case in this instance) they use more precise weapons, unlike the indiscriminate strikes which are routinely directed at residential areas and which in the overwhelming majority of cases kill and injure civilians not taking part in the hostilities.

Amnesty International previously documented S5 rocket attacks on the Dar al-Shifa hospital in Aleppo on 12 and 14 August. The fact that two such attacks were carried out against the hospital in the space of three days suggests that it was deliberately targeted.⁵ Attacks on hospitals or medical facilities are expressly prohibited under international humanitarian law.

DISREGARD FOR INTERNATIONAL HUMANITARIAN LAW (THE LAWS OF WAR)

The presence of armed combatants and the conduct of hostilities in residential areas and urban settings pose an inherent heightened risk for the civilian population, with civilians in danger of getting caught in the crossfire and being forcibly displaced. Both Syrian government forces and opposition fighters have been operating in, and launching attacks

from, residential areas in and around towns and villages in the Idlib governorate and elsewhere in the country, thereby increasing the risk to civilians in those areas.⁶



Imad Jarbu'a, 10, who sustained a head injury when his uncle's house in Kafr Awaiyd (Jabal al-Zawiya), Syria, was bombed on 29 August 2012. The attack killed his uncle, 58-year-old Jasem Jarbu'a. © Amnesty International

However, in all the cases investigated by Amnesty International for this report (except the attack in the Ram Hamdan village, cited above) there were no known military targets at the locations of the strikes, and no opposition fighters were killed or injured in the attacks (though it is conceivable that some of those killed or injured in their homes with their families or in the market might have been fighters who were not engaged in hostilities at the time of the attacks). No armed confrontations were taking place in these areas. This is because Syrian armed forces are now located too far from these towns and villages for opposition fighters to be

able to target them from within these towns and villages. Rather, the Syrian armed forces, having withdrawn from these areas, are now launching indiscriminate air and artillery attacks from a distance, with disastrous consequences for the civilian population

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

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

Intentional attacks directed against civilians not taking part in hostilities, indiscriminate attacks (which do not distinguish between civilian and military targets), and disproportionate attacks (which may be expected to cause incidental harm to civilians that would be excessive in relation to the concrete and direct military advantage anticipated) are prohibited and constitute war crimes. These rules apply equally to all

parties to armed conflicts (whether government forces or non-state armed groups) at all times without exception.

When parties are fighting in the vicinity of civilians they must choose appropriate means and methods of attack. This requirement rules out the use of certain types of weapons and tactics. The use of means and methods of combat that cannot be directed at a specific military objective may result in indiscriminate attacks and is prohibited. The widespread use by Syrian government forces of battlefield weapons that have a wide impact radius and/or wide margin of error, or cannot be directed at specific targets, such as artillery shells, mortars and free-fall unguided bombs and rockets, in populated residential areas has resulted in large numbers of civilian casualties. Attacks such as those documented in this report, which government forces continue to carry out with the full knowledge that they have inflicted and will continue to inflict heavy civilian casualties (and cause massive damage to civilians objects), flagrantly violate the prohibition of indiscriminate attack and constitute war crimes. In some cases, government shelling and bombardment of towns and villages appears to have constituted direct attacks on civilians, as they were targeting residential areas in which there were no opposition fighters or military objectives (in some instances apparently as punishment for the residents' real or perceived support for the opposition). Direct attacks on civilians constitute war crimes.

Opposition fighters, while mostly fighting with short-range light weapons, have at times also used imprecise weapons (such as mortars) or even inherently indiscriminate weapons (such as home-made rockets) in populated residential areas, in contravention of the prohibition of indiscriminate attacks.

Amnesty International has repeatedly called on the Syrian authorities to put an end to indiscriminate attacks which kill or injure civilians. The organization has also urged the UN Security Council to refer the situation in Syria to the Prosecutor of the International Criminal Court (ICC) in order to ensure that the perpetrators of these war crimes and other crimes under international law are brought to justice and that victims and their families receive reparations.

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

¹ Residents of Kafr 'Awyed told Amnesty International that in the early afternoon of 16 September several airstrikes on the village killed eight civilians, five of them children, and injured several others. On the same day residents of the nearby village of Kan Safra told Amnesty International that nine air strikes had been launched on the village and its surroundings, without causing casualties, as residents had taken refuge in caves and shelters or had fled the village in the morning when they first heard the aircraft circling above the village.

² Dozens of armed opposition groups, composed of Syrian army defectors and volunteers, are operating in the areas covered in this report. Many are acting under the general banner of the Free Syrian Army (FSA) but in reality are only loosely connected with the FSA and operate largely independently of the FSA and of each other. Others have no link to the FSA at all.

³ The Muslim holiday which marks the end of the month of Ramadan, when people fast from sunrise to sunset

⁴ Several residents were killed and many homes were burned down in the hamlet of al-Tamana (north of Hama) on 13 May 2012 in an attack which residents told Amnesty International was carried out by state-armed militias. The surviving villagers have been displaced since then.

⁵ See Amnesty International, *Civilians bearing the brunt in the battle for Aleppo*, Index MDE 24/073/2012, 23 August 2012, <http://www.amnesty.org/en/library/info/MDE24/073/2012/en>

⁶ See Amnesty International, *Syria: Civilians bear the brunt as battle for Aleppo rages*, 23 August 2012, <http://www.amnesty.org/en/news/syria-civilians-bear-brunt-battle-aleppo-rages-2012-08-23> and the media briefing *Civilians bearing the brunt in the battle for Aleppo*, Index MDE 24/073/2012, 23 August 2012, <http://www.amnesty.org/en/library/info/MDE24/073/2012/>