



人权理事会  
第二十四届会议  
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\*

### 概要

阿拉伯叙利亚共和国已经沦为战场。该国的城镇遭到无情的炮击和围困。人们遭到屠杀，行凶者却逍遥法外。失踪的叙利亚人也难以计数。本报告涵盖了 2013 年 5 月 15 日至 7 月 15 日进行的调查。调查结论依据的是 258 次访谈和收集到的其他证据。

政府和亲政府部队继续对平民进行大规模攻击，犯下了谋杀、酷刑、强奸和强迫失踪等危害人类罪。他们对居民区实施了围困和狂轰滥炸。政府部队严重侵犯了人权，并犯下了酷刑、劫持人质、谋杀、未经正当程序处决、强奸、攻击受保护目标和掠夺等战争罪。

反政府武装团体也犯下了战争罪，包括谋杀、未经正当程序处决、酷刑、劫持人质和攻击受保护目标。他们对平民社区实施了围困和狂轰滥炸。

反政府武装团体和库尔德武装团体招募和使用儿童兵参与敌对行动。

所有各方犯下这些侵犯人权行为和罪行的人都藐视了国际法。他们不怕被追究责任。这一情况必须立即移交司法处理。

这一冲突没法用军事方式解决。提供武器的各方所创造的胜利是虚假的。只有以日内瓦公报的原则为基础的政治解决方式才是通向和平的唯一道路。

\* 本报告附件不译，原文照发。

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## 一. 导言

1. 阿拉伯叙利亚共和国问题独立国际调查委员会<sup>1</sup> 在本报告中阐述了根据 2013 年 5 月 15 日至 7 月 15 日开展的调查得出的结论。
2. 人权理事会第 22/24 号决议将理事会 S-17/1 号决议原来确定的任务延长了一年。
3. 本报告应与委员会先前的各篇报告<sup>2</sup> 一并阅读。
4. 2013 年 6 月 21 日, 委员会受邀向安全理事会简要汇报了阿拉伯叙利亚共和国的局势。7 月 29 日, 按照大会第 67/262 号决议, 委员会主席向大会简要汇报了阿拉伯叙利亚共和国的人权状况。

### A. 挑战

5. 阿拉伯叙利亚共和国拒绝委员会入境, 从而严重限制了委员会从各个角度接触受害者并全面了解冲突状况的能力。要开展彻底的调查, 就必须能够进入事件的发生地, 获得所有可用信息, 接触到所有证人。负责武装冲突儿童问题的秘书长特别代表和调查使用化学武器指控的联合国调查团近期访问该国, 给委员会在不远的将来也获准入境带来了希望。
6. 7 月 2 日, 委员会向阿拉伯叙利亚共和国常驻代表团发出请求, 再次要求进入该国并查访 5 月和 6 月库塞尔事件的相关信息(见附件一)。7 月 16 日, 委员会请求外交部批准委员会委员进入阿拉伯叙利亚共和国, 研究未来访问该国的方式, 但没有收到回复。8 月 5 日, 又向阿拉伯叙利亚共和国常驻联合国代表发送了一份普通照会, 请求该国政府提供相关信息。

### B. 方法

7. 本报告采用的方法依据了调查委员会和人权调查的标准做法, 并根据上述挑战作出调整。委员会主要依靠第一手资料佐证相关结论。
8. 本报告所载资料以 258 次访谈为依据, 有在该区域进行的访谈, 也有从日内瓦以 Skype 和电话等方式进行的访谈。2011 年 9 月任务开始至今, 共进行访谈 2,091 次。

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<sup>1</sup> 委员会委员为保罗·塞尔吉奥·皮涅罗(主席)、卡伦·科宁·阿卜扎伊德、威滴·汶达蓬和卡拉·德尔庞特

<sup>2</sup> S-17/2/Add.1、A/HRC/19/69、A/HRC/21/50、A/HRC/22/59 和 A/HRC/23/58。

9. 委员会还收集分析了照片、视频记录、卫星图像和法医及医疗记录。政府和非政府来源的报告、学术分析以及联合国的报告构成了调查的部分内容。

10. 委员会仍然采用以往报告中的证据标准。若相关事件的佐证程度足以使委员会有合理依据认为事件经过与描述相符，则达到了这种标准。

11. 委员会调查了若干起可被归为“恐怖主义袭击”或“恐怖主义行为”的事件。一旦这些事件达到符合非国际性武装冲突的门槛，且嫌疑责任人是冲突参与方，则委员会将从国际人道主义法和国际人权法的角度评估相关攻击的合法性。任何单纯旨在平民中散播恐怖的攻击都是被禁止的。

## 二. 背景

### A. 政治背景

12. “叙利亚之友”集团6月的一次会议和6月17日至18日在北爱尔兰举行的八国集团首脑会议上都讨论了阿拉伯叙利亚共和国的状况，但在找到解决冲突的办法方面均未取得多少明显进展。随着政治解决前景趋黯，实地军事局势的发展已经影响了交战双方进行谈判的意愿。

13. 尽管联合国和阿拉伯国家联盟叙利亚问题联合特别代表作出了努力，提议在日内瓦举行的会议日期仍然难以商定。叙利亚政府和库尔德人叙利亚武装部队已经原则上商定，分别派代表参加会议。先前，叙利亚全国联盟以军事态势发生变化作为参加会议的前提条件，但现在似乎已经原则上同意出席会议。

14. 政府和反政府武装团体都认为自己可以取得军事胜利。双方各自的支持者为他们提供了政治支撑、资金援助和军事硬件，正将叙利亚冲突变成一场争夺区域和国际利益的代理战争。

#### 1. 冲突各方

15. 叙利亚政府仍然竭力在其控制地区提供安保服务和各项基本服务，同时这些地区的生活条件进一步恶化。

16. 叙利亚反对派也仍然受到内部不和的困扰。2013年7月6日，在穆瓦兹·哈提卜辞职近三个月之后，叙利亚全国联盟选出了新主席艾哈迈德·阿西·杰尔巴阿。两天后，总理加桑·希托辞职，称辞职原因是无法组成可以胜任反对派控制地区行政工作的临时政府。就实地情况而言，政治上的真空推动了政治权威的不断破碎和分解，近期拉塔基亚省一些反政府武装团体的内讧就说明了这一点。

17. 在东北部，表面上团结在库尔德最高委员会之下的库尔德政治领导层因权力分配问题产生了摩擦。尽管存在紧张关系，库尔德各方代表近期的声明都表示，库尔德人控制地区正在筹备议会选举。选举之前，将对一份目前正在起草的临时宪法进行全民投票。

## 2. 区域层面

18. 土耳其和伊朗伊斯兰共和国重申了秘书长的呼吁，联合呼吁各方在斋月期间停火，但各方都对此无动于衷。

19. 区域盟国继续向叙利亚政府提供军事和资金支持。真主党现在与政府部队并肩战斗；伊拉克的什叶派青年也正前往阿拉伯叙利亚共和国帮助政府作战。伊朗伊斯兰共和国放宽了 36 亿美元贷款的还款期限，暂时止住了叙利亚政府的货币危机。据报告，一笔来自俄罗斯联邦的贷款正在讨论之中，与此同时，莫斯科和大马士革在冲突之前签订的各项军火交易协定也仍在得到遵守。

20. 来自若干阿拉伯国家(包括沙特阿拉伯和埃及)的有影响的逊尼派神职人员呼吁逊尼派教徒加入对阿拉伯叙利亚共和国政府及其支持者的圣战。还有人接应先前基地组织领导人扎瓦希里的呼吁，敦促向反政府武装团体提供资金和武器。

21. 冲突继续对邻国的内部政局造成影响，这一点在黎巴嫩最为突出：的黎波里和西顿发生了激烈冲突；贝卡谷地发生多起绑架、路边炸弹和越境炮击；贝鲁特遭到火箭弹袭击并发生一起汽车炸弹事件，另有一名抗议者在伊朗伊斯兰共和国大使馆门前静坐示威期间丧生，这些只是暴力范围不断扩大的几个例子。黎巴嫩是收容叙利亚难民人数最多的国家：据联合国难民署称，截至 8 月 1 日，黎巴嫩有叙利亚难民 665,978 人。约旦接纳了 500,000 多名难民，其中四分之一集中在北部约叙边境的扎塔里难民营，这使人们愈发担忧叙利亚冲突对约旦王国经济、安全和稳定的影响。

22. 7 月 5 日，以色列攻击了拉塔基亚附近的一个场所，目标显然是那里的俄制导弹。此次和先前对阿拉伯叙利亚共和国境内的几次袭击可能使人们对该冲突进行重新评估，考虑其是否适用于国际性武装冲突的法律框架。

## B. 军事背景

23. 冲突已进入僵持，交战双方都深信己方可能取得军事上的胜利。泾渭分明又不断变化的战线上的敌对行动已经因此而变得更加剧烈。战火仍在持续，双方都在主要据点内加强兵力。政府部队继续控制大城市和交通要道，而反政府武装团体则加强了在北部和东部各省大片长形地带以及叙约边境地区的兵力。正有越来越多的区域行为方资助着兵员和装备的流动，宗教方面的行为方尤甚，导致相应的暴力也有所上升。与此同时，冲突范围已经扩大至该国边境之外，重新点燃了脆弱邻国的紧张局势，威胁着区域和平与安全。

### 1. 政府和亲政府部队

24. 在过去三个月中，政府部队占据了上风，夺回了一些先前被武装团体占领的地区，并加强了对双方争夺地区的掌控，特别是在霍姆斯和大马士革农村。

25. 除阿勒颇市之外，政府部队巩固了对大城市和经济重要地区的控制。尽管武装团体作出了努力，但政府部队成功守住了大部分战略要地、空军基地以及阿勒颇和伊德利卜的交通要道。他们截断了各武装团体从境外关系网获得补给的线路。

26. 对不愿或无法通过地面行动夺回的地区，政府部队仍然依赖于(常常是不分青红皂白地)使用重型火力。政府部队对难以控制的地区蓄意使用了包括导弹、战斗机和火炮等各种军火，以防止这些地区重归武装部队的掌控，并惩罚当地民众。

27. 政府部队经过战火的洗礼，也愈发适应镇压叛军的作战，并得益于盟国提供的广泛后勤支持和人员，包括军事顾问。国防军支持的加强<sup>3</sup>和外国非正规部队的参战，特别是真主党的参战，鼓舞了军队的斗志。这些新生的战斗力量弥补了战死、叛逃和招募新兵愈发困难所造成的减员。

28. 军队和安全部队的核心人员仍未出现叛逃，且叛逃人数正在稳步下降，即便在不太被信任的部队中都是如此。

## 2. 反政府武装团体

29. 反政府武装团体加强了对北部和东部省份大片长形地带的控制，但未能守住霍姆斯和大马士革的战略要点。他们分歧不断又缺少后勤支持，这严重限制了反政府武装团体应对政府部队最新攻势的作战能力。

30. 若干各不相同且最初分歧很大的叛军团体已经发展成为了一支更加有组织的力量。在若干阵地上，各团体结成了同盟，相互之间也有了更多合作。然而，因为这些团体的目标和资源来源各不相同，所以未能形成统一指挥。最高联合军事指挥委员会无法统筹利用后勤支持，也无法整合现有的指挥网，其工作因此受到了削弱。最近，效忠对象不同的各团体之间的不和有所增加，有时导致各方因争夺领土和资源而相互对峙。

31. 一些国家和富翁不定期地向武装团体提供额度不等的支持，便足以使敌对行动升级，但不可能从根本上决定这一冲突的走向。支持的主要受益方是沿边境作战的各武装团体。位于中部地区的武装团体近期失去了对补给线的控制。

32. 反政府武装团体的主要装备是小型武器和轻武器，但也时不时更多地使用反坦克和防空武器系统。他们还使用迫击炮和火炮攻击军队和安全部队的驻地，包括位于居民区内的驻地。

33. 尽管人们努力限制极端分子在反对派内部的影响，但反政府作战人员的行动仍在越来越激进。一方面外国作战人员越来越多，另一方面激进作战人员有良好的纪律和较强的作战能力，加上更容易获得可靠资助方的支持，使他们可以胜过

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<sup>3</sup> A/HRC/23/58，第22段。

那些不服指挥的温和派团体。最激进的团体，例如支持叙利亚人民圣战者阵线(支持阵线)以及伊拉克与叙利亚伊斯兰国组织(伊叙伊斯兰国组织)，都在北部发展自己的要塞。伊叙伊斯兰国组织包括了伊拉克伊斯兰国组织，后者与支持阵线一样，都在安全理事会按照第 1267(1999)号决议所设委员会的制裁名单上。

### 3. 库尔德武装团体

34. 东北部的库尔德地区爆发了武装暴力事件，当地民兵在冲突中发挥的作用越来越大。人民保卫部队(民保队)以保持中立并保护当地库尔德人为首要任务，与政府部队和反政府武装团体都发生了冲突。与激进反政府武装团体的紧张关系急剧恶化。库尔德人内部也发生了纠纷。

## C. 社会经济背景和人道主义背景

35. 自 2013 年 1 月以来，难民人数已从约 60 万人增长到逾 185 万人。

36. 难民的大量涌入加剧了难民与收容社区之间的紧张关系。在难民营，妇女和女童容易遭到性剥削、逼婚和贩运。家庭暴力事件不断增多。恶劣的条件迫使一些难民返回阿拉伯叙利亚共和国。

37. 石油出口有所下降，其中部分原因是制裁。反对派部队，包括那些与基地组织有联系的反对派部队，现在已经控制了一些油田，并从石油销售中获利。<sup>4</sup> 因为工厂遭到破坏以及制裁，所以制造业部门有所萎缩。作物遭到焚烧以及农业生产遭到中断，造成了包括面粉在内的商品的价格上涨。

38. 虽然需要紧急援助的人数不断增多，但叙利亚政府和一些反政府武装团体却阻碍了人道主义援助的送达。尽管存在安全上的种种制约，但还是跨境投放了一些人道主义援助，不过这些援助不足以满足受影响民众不断增长的需求。一些地区仍然无法进入。在该国境内，约有 280 万人需要援助。在被围困的阿勒颇、霍姆斯和大马士革地区，形势尤其严峻。

39. 联合国各援助机构预计，到 2013 年年底，援助阿拉伯叙利亚共和国及其邻国的受影响民众需要 31 亿美元。2013 年 1 月在科威特举行的国际捐助者会议上，实募金额只达到了认捐额的一半。

<sup>4</sup> 2013 年 5 月，欧洲联盟已投票决定放松制裁，允许其他反对派团体出售其掌控的石油。

### 三. 涉及平民和失去战斗力的作战人员待遇的侵犯人权行为

#### A. 屠杀和其他非法杀戮<sup>5</sup>

40. 个人常常遭到杀害，这是违反国际法的行为，国际法规定，谋杀和未经正当程序处决都属犯罪。国际人权法也禁止任意剥夺他人的生命。《日内瓦四公约》共同第三条规定，未经提供司法保障正规组织的法庭宣判，不得执行死刑。

##### 1. 政府和亲政府部队

41. 拘留期间死亡事件显著增多。有记录表明，空军、政治情报局和情报总局以及宪兵部门控制的各中心中都存在酷刑致死案件。许多案件发生在大马士革以东 20 公里的情报总局 295 分局和大马士革的 251 分局。一位曾被拘留在 Al-Mezzeh(大马士革)政治安全局 Al-Fehar 分局的人好不容易才活了下来。他详细讲述了其他人丧生的情形。在军事安全局 215 分局(大马士革)，多名被拘留者遭酷刑折磨致死。

42. 其他非法杀戮包括：检查站枪击(6 月，大马士革)、狙击手射杀平民(6 月，大马士革农村)以及地面行动期间非法杀害平民(2 月、3 月、4 月和 6 月，霍姆斯；2 月，哈马；6 月，大马士革农村)。

43. 在 Al-Mezzeh 设有一所“恐怖主义法院”，负责审理违反 2012 年《反恐怖主义法》的案件。被告不知道指控罪名，也无法及时获得律师协助。叙利亚政府还成立了战地法院。法律代表、家人探视或上诉都是不允许的，而法官却可以判罚死刑。

44. 政府部队在对平民的广泛攻击中实施了非法杀戮。这些攻击包括：大范围炮击村庄、烧毁民用目标、狙击手袭击和有系统的处决(见附件二)。政府机构协调和积极参与了这些攻击，说明这些攻击是制度化的，作为政策实施的。此类攻击期间发生的非法杀戮构成危害人类罪。政府部队还犯下了谋杀这一战争罪，实施了未经正当程序处决和任意剥夺生命权的行为。

##### 2. 反政府武装团体

45. 6 月 8 日，伊叙伊斯兰国组织的作战人员处死了被控有亵渎行为的 15 岁男孩穆罕默德·卡塔。

46. 6 月，一个反政府武装团体在伊德利卜杀害了天主教牧师弗朗索瓦·穆拉德神父。这位牧师是 Ghassaniya 镇仅存的几名基督徒之一。当时，支持阵线正在 Ghassaniya 开展行动。

<sup>5</sup> 另见附件二。



47. 在反政府武装团体控制的各个地区，各团体设立的各种准司法机制存在较大差异。缺少成文法导致司法方式并不一致。相关人员也很少获得必要的司法保障和程序保障，且大多数司法机制在独立性和公正性方面都未达到必需水平。

48. 一些武装团体设立的惩罚性机制不给予获得律师协助的权利，也不给予上诉机会，因为处决是在判决之后立即执行的。武装团体和法院之间紧密的职权关系破坏了法院的独立性和公正性。

49. 在哈马，被武装部队逮捕或俘获的人经军方审讯之后，会移交给两个并行的准司法机制中的一个。当地的安全委员会有权处理武装团体之间的纠纷以及较轻的刑事和民事罪行。谋杀等严重案件会移交给伊德利卜 Bab Al-Hawa 的伊斯兰教法委员会。被判有罪者可被处决。“认罪的”被俘士兵或亲政府作战人员将被立即处决，不用移交伊斯兰教法委员会。5月20日，在 Qalat Al-Madiq，一名被俘士兵在供认自己杀死过一名自由叙利亚军作战人员后被处决。

50. 德拉的军事委员会设立了伊斯兰教法法院以调查指控、运作拘留设施并举行审判。法院的法官实际上受委员会管辖并听从委员会的指示。据报告，被俘或在德拉叛逃的政府士兵并未被处死，但可能以间谍罪等罪名遭到监禁。受指控者不得拥有辩护律师。

51. 在代尔祖尔，武装团体接受了一个当地法院的管辖。从叙利亚政府叛逃的法律学者、宗教学者和法律专家负责行使司法权，并采用伊斯兰法和叙利亚民法相结合的法律。

52. 反政府武装团体犯下了谋杀这一战争罪和未经正当程序处决罪。

### 3. 库尔德武装团体

53. 6月，在 Amudah 镇(哈塞克)，若干抗议者遭民保队射杀。遇害者中包括一名12岁的女童和一名15岁的男童。人们曾向民保队作战人员投掷石块和瓶子，这些作战人员声称己方一人遭到了枪击。民保队犯下了涉及过度使用武力的侵犯人权行为。

## B. 任意逮捕和非法拘留

54. 自冲突开始以来，已有上千人遭到逮捕。其中大多数人都遭受了一系列侵犯人权行为，这些行为相互交织，最极端时往往导致酷刑和死亡。一些人靠贿赂脱身，而相对较少的人得到了“特赦”。其他人最终受到法官审判并被判刑。大部分人被囚禁在过度拥挤的牢房内，无法求助于司法监督、获得律师协助或接触家人。

### 1. 政府和亲政府部队

55. 自2011年以来，政府部队一直施行大规模任意逮捕。15岁以上的男性常常在突袭中遭到逮捕。越来越多的逮捕是由没有逮捕权或逮捕权存疑的实体进行

的，如国防军。6月，真主党在代尔阿提耶逮捕了多名叙利亚人。被拘留者在被移交安全部门之前，常被法外关押数天，并受到严重虐待。

56. 3月颁布的一项总统令要求所有年满18岁者去军队报到服役，否则将面临逮捕。看上去年满18岁的男性在检查站被拘留。在Madakah检查站(德拉)，士兵经常以未服兵役为由逮捕和虐待年轻男子。

57. 境内流离失所者在逃离受冲突影响地区时常常没有证件，特别容易遭到任意逮捕。逮捕对象似乎是那些来自不服控制的地区的人或是叛逃者等受通缉者的家人。有记录表明，境内流离失所者在检查站被捕的案件发生在Al-Nabak(大马士革农村)、Al-Madakah(德拉)、库赛尔、Al-Houlah(霍姆斯)、Al-Bayda(塔尔图斯)和Masharah(库奈特拉)。5月和6月，国防军在Job Al-Jarrah(霍姆斯)发动了突袭，逮捕了多名流离失所的逊尼派教徒，这次突袭被视为是一项试图驱逐逊尼派教徒的行动。

58. 如果抓不到受通缉者，有时会逮捕其家人。一名女童4月在大马士革从拘留所获释后又遭到逮捕，相关方面想从她那里获取有关其兄弟活动的信息。3月，士兵在Karnaz(哈马)拘留了某受通缉者的妻子和儿女。

59. 医护人员若向作战人员提供药品和医疗，常常会被以“支持恐怖主义”的借口逮捕。许多红新月会的志愿者就被以“协助恐怖分子”的罪名拘留。

60. 以歧视性理由逮捕或拘留他人，是违反该国人权义务的行为。医护人员不论其病人属于哪一派别，都是受到国际法保护的。剥夺被拘留者的基本权利，例如无罪推定、被告知受控何罪，以及由独立机构复审拘留决定的权利，是违反国际人权法和国际人道主义法的行为。

## 2. 反政府武装团体

61. 反政府武装团体拘留的人数正在上升，任意逮捕和非法拘留的案例也在增多。4月，阿勒颇的一名医生因不允许支持阵线在野战医院升起其旗帜而被拘留。150多人被拘留在同一地点，且没有人能够获得律师协助，也禁止家人探视。在拉卡，伊叙伊斯兰国组织关押了几百名囚犯，包括社区活动人士和妇女。反政府武装团体拘留这些个人的法律依据并不明确。也没有迹象显示被拘留者能够享有基本人权。

## 3. 库尔德武装团体

62. 在库尔德人控制地区，任意逮捕案件的数量也在上升。3月，一名在阿夫林抗议民保队的妇女遭到了逮捕。5月，民保队拘留了多名反对派活动人士。民保队还涉及从事与其他反对派团体“以牙还牙”的绑架活动。虽然存在着特设的司法机制，但该机制似乎没有开展多少工作行使其对被拘留者的职权。

## C. 劫持人质

63. 劫持人质和绑架事件急剧增多。武装分子为了敛财，或是为了与敌对部队交换俘虏，劫持并威胁杀害人质。许多人仍在关押之中；另外一些人则经谈判获释。本报告所述期间，有几十人遇害。

### 1. 政府和亲政府部队

64. 在阿拉伯叙利亚共和国各不稳定地区，亲政府民兵参与了绑架行动。在驻守和围困 Nubl (阿勒颇)的团体之间发生了多起绑架。一位受访者称劫持事件“非常常见”。2月，在 Al-Hajar Al-Aswad (大马士革)，两名年长男子驾车通过国防军驻守的检查站时被劫持。劫犯后来联络了人质的家人并索要赎金。

### 2. 反政府武装团体

65. 武装团体绑架和劫持人质也是为了索取赎金和交换俘虏。3月25日，亲政府部队逮捕了一位作战人员的妻儿之后(见第54至62段)，一群作战人员从 Al-Suqaylabiyah (哈马)劫走了三名妇女。劫犯联系了一位宗教领袖，把劫持事件和释放条件告诉了他。双方的人质都获准与家人通了电话。双方谈判约定交换人质，所有妇女都无恙获释。

66. 亲政府部队和反政府武装团体都参与了劫持人质行动，违反了国际人道主义法和国际刑事法律。

## D. 强迫失踪

### 1. 政府和亲政府部队

67. 冲突开始以来，强迫失踪案件数量激增。政府部队让受害者无法获得法律保护，从而在平民中散播恐怖。

68. 强迫失踪侵犯了个人的基本人权，包括自由权、人身安全权和公平审判权。强迫失踪这一侵犯人权行为在最初的逮捕或劫持之后持续多年，按照国际法规定属于犯罪。强迫失踪还可导致酷刑等其他罪行。

69. 包括空军、军事情报局和国防军在内的政府部队都实施了强迫失踪。在阿勒颇、大马士革、德拉、代尔祖尔、哈马和霍姆斯，平民会在军事突袭后遭到逮捕。人们被从家中、检查站、清真寺和医院里被劫走。受害者被带至不为人知的地点，下落不明。

70. 在全国各地，有许多家庭都在等待获知亲属的命运和下落，有时要等很长时间。一位受访者的兄弟于2012年3月在德拉被安全局215分局的人员逮捕，至今仍未再度露面。

71. 这些家庭有正当的理由担心，寻找自己的亲属可能会导致报复。有些报告失踪案件的人自己也遭到了拘留。当局还拒绝提供相关信息或承认实施了这些逮捕。一位曾在某中部省份的空军情报部门工作至 2012 年底的叛逃者称，有命令指示，不得向被拘留者的家人提供相关信息。绝望情绪导致这些家庭容易遭到敲诈。一些家庭会贿赂那些声称(往往是伪称)能够提供信息的人。

72. 大多数情况下，只有在有被拘留者获释时才能得到消息。一位曾被情报机构关押了一年多的受访者在获释时发现几十名妇女将自己男性亲属的照片戳到他面前，希望他曾在拘留期间见过这些亲属。

73. 最常成为强迫失踪目标的是 15 岁以上的男性。然而在一些情况下，年长妇女和儿童也曾“被失踪”。一位受访者报告称，3 月份军队在巴卜阿姆鲁展开反击之后，士兵劫走了他的邻居，包括妇女和儿童。他再也没有见过这几户人家。也有医护人员、境内流离失所者和逃避暴力者失踪的例子。6 月 8 日，为躲避战火从霍姆斯市 Al-Waar 社区逃出的一家人被士兵截住。这家人中的丈夫遭到逮捕并被带往不明地点。

74. 政府和亲政府部队将强迫失踪作为一种战争策略，用于压制不满并在社会上散播恐怖。强迫失踪是相关人员在知情情况下作为对平民的广泛攻击的一部分实施的，构成危害人类罪。

## E. 酷刑和虐待

75. 酷刑依然十分普遍。相关人员为了获取信息或供词、惩罚、恐吓或胁迫受害者，故意对其施加了严重的身体和精神痛苦。国际人权法和人道主义法规定，绝对禁止酷刑，国家和个人都要为酷刑承担责任。

### 1. 政府和亲政府部队

76. 叙利亚政府，包括其情报机构，普遍、蓄意地使用酷刑以审讯、恐吓和惩罚其认定的反对者。在拘留中心、安全局分局、监狱和医院中都使用了酷刑。

77. 先前报告的酷刑方法仍然在全国各处使用。许多受访的受害者都有与叙述相符的可见伤痕，并表现出了精神受创的症状。

78. 受访者一致指出，空军情报局是最恶劣的行凶者之一。在哈马，被空军情报局拘留的人在被捕时遭到殴打，并在审讯期间遭受酷刑。据哈马一名空军情报局叛逃者称，使用酷刑的情报局人员不会面临任何纪律处罚。

79. 军事安全局对那些被军队逮捕的人进行审讯并时常使用酷刑。一名被拘留者于 5 月中旬在德拉市被捕，三周后被军事安全局释放时已断了一条腿，且背上有许多处烟头烫痕。另一名前被拘留者描述了自己在军事安全局 235 分局遭到酷刑的经历。

80. 关押在这些中心的受害者遭受了先前未曾记录过的酷刑手段的折磨。227 分局的军事情报官员使用了水刑，例如模拟溺水。在大马士革 Al-Fehar 分局，被拘留者被单独囚禁在“蹲牢”中，无法站直也无法躺下。一位被拘留者被在此种条件下关押了 10 个月，每天都遭到殴打，被拷着手腕吊了 17 天，被烟头烫伤还遭到过电击。

81. 被拘留者在阿勒颇市接受政府法院庭审时，身上都有遭受酷刑的明显痕迹，但司法部门对此视而不见。

82. 一些军事医院的专业医护人员受到拉拢，参与了虐待住院被拘留者的行为。

83. 安全和情报部门在霍姆斯 Al-Waar 的 Abdul Gadir Al-Shagafi 军事医院以及大马士革的 Al-Mezzeh 军事医院内都设有拘留中心。被拘留者入院时被绑缚着，眼睛也被蒙上。他们被按照拘留机构的号码登记。有安全人员看守被拘留者，病人和医生接触必须通过他们。

84. 这些医院都有协同各安全局分局对病人施以酷刑的事件记录在案。据报告，病人在 Al-Mezzeh 军事医院的 14 床监护病房遭到殴打。

85. 在 Abdul Gadir Al-Shagafi 军事医院和大马士革国家安全局被酷刑折磨致死者的尸体会被移送至医院停尸房。大多数尸体不会归还给死者家人。也有一些尸体被归还给了死者家人，但作为交换，对方必须签字声明，证实受害者是被“恐怖分子”杀死的。

86. 委员会收到多起报告称，在检查站和其他逮捕地点都存在殴打和虐待行为。大多数受害者都是被指控协助反对派的男子，且往往会被移交给军事安全局，在审讯期间遭到酷刑。1 月，一名男子在 Khalidiyeh(霍姆斯)的一个检查站被捕，并一直被拘留羁押，直到在 6 月丧生。他的尸体上遍布伤痕，与大量殴打和鞭笞造成的伤痕相符。

87. 存在殴打记录的检查站有：军事安全局管理的德拉入口检查站、政治安全局管理的 Deir Baalbah 检查站以及霍姆斯一大马士革公路沿线的检查站，这些检查站内设有短期拘留设施，被拘留者在被移送 Masharah(库奈特拉)外和 Al-Ashrafiyah(阿勒颇)的军事情报局之前在此遭到殴打。

88. 政府部队按照组织政策或为了推行组织政策，作为针对平民的广泛和蓄意的攻击的一部分，实施了酷刑和其他形式的残忍、不人道或有辱人格的待遇或处罚。政府机构涉足和积极参与了此类行为，说明酷刑已经制度化，并且是作为政策使用的。叙利亚的情报机构，特别是军事情报局和空军情报局以及军事安全部门，犯下了酷刑和残忍待遇这一危害人类罪，且未受到处罚。对此类行为，还可诉以战争罪。

## 2. 反政府武装团体

89. 一些反政府武装团体对受其关押的人施行了虐待和酷刑。虽然此类侵犯人权行为属于个案，但也有明显迹象表明，此类做法正日益增多。

90. 5月中旬，阿勒颇市北部一个伊斯兰教法委员会的多名委员在一次和平示威后逮捕并拘留了若干名活动人士，并对他们施暴，包括打脚底板。

91. 北方风暴旅(Liwa Asifat Al-Shamal) 在 Azaz (阿勒颇)管理着一个可以容纳 300 人的监狱。在该监狱中，作为一种审讯手段，被拘留者被埋入 1.5 米的深坑中，并被盖上金属板，持续 48 个小时。

92. 7月19日，从属统一旅(Liwa Al-Tawheed)宪兵部队的萨达姆·侯赛因营对一名男子施行了 *dulab* 式(强迫被拘留者钻入轮胎)殴打和酷刑。<sup>6</sup>

93. 一些反政府武装团体犯下了酷刑这一战争罪。对他人施加残忍、不人道或有辱人格的待遇或处罚，也是违反国际人权法和人道主义法的行为。

### 3. 库尔德武装团体

94. 2月，阿夫林的民保队部队殴打了反政府抗议者并拘留了多名隶属于自由叙利亚军的人员。委员会收到报告称，在阿夫林附近设有临时监狱，其中的被拘留者遭到了殴打。民保队实施了残忍、不人道或有辱人格的待遇或处罚，违反了国际人权法和人道主义法。

## F. 性暴力

95. 人们对强奸的恐惧、以强奸为威胁的现象以及实施的暴力，使性暴力成为了冲突中的一个突出问题。在全国各地，在突袭期间、在检查站和拘留中心以及全国各地的监狱都发生过性暴力事件。强奸威胁被用来当作恐吓和惩罚与反对派有关的妇女、男子和儿童的手段。对性暴力事件少报、迟报的现象在该地区非常普遍，因而难以评估其严重程度。

### 1. 政府和亲政府部队

96. 亲政府部队在德拉、哈马和塔尔图斯展开突袭期间对妇女实施了性暴力。2012年12月，一名安全官员在突袭德拉期间强奸了一名妇女。5月，一名国防军作战人员在突袭塔尔图斯期间试图对一名妇女实施入室强奸。

97. 拘留中心和监狱是最常提到的发生性暴力的地点。4月底，一名从大马士革政治情报局分局获释的妇女描述了自己被迫对审讯者进行口交的遭遇。2012年12月，被拘留在大马士革 Al-Mezzeh 的一名妇女则描述了牢友被强奸的经历。1月底，自由叙利亚军的作战人员占领了代尔祖尔的一个拘留中心，并发现有一家人都成了囚犯。家中的母亲遭到了强奸，并被迫为看守打扫卫生和做饭，否则她的子女就会被杀害。

<sup>6</sup> 见 A/HRC/23/58，第 83 段。

98. 强奸威胁被当做了一种逼供手段。两名分别被关押在大马士革 Al-Mezzeh 和 235 分局的妇女被审讯者告知，如果不招供，自己的女儿就会遭到强奸。一名被关押在大马士革警察局的护士被威胁称，如果不透露其所治疗的病人的身份，就会遭到轮奸。

99. 在大马士革、德拉、霍姆斯和库奈特拉的检查站，妇女遭到骚扰、侮辱，有时还遭到殴打。2013 年初，一名大学生在德拉的一个检查站遭到强奸，因为她的兄弟是政府的通缉犯。之后，自由叙利亚军安排她与他人成婚，以“保护她的荣誉”。

100. 政府部队和国防军犯下了强奸和其他不人道行为等危害人类的罪行。对强奸和不人道对待行为，还可诉以战争罪。

## G. 侵犯儿童权利的问题

### 1. 政府和亲政府部队

101. 大多数儿童死亡和受伤都是炮击和空袭造成的。6 月 4 日，对 Kafr Hamrah (阿勒颇)的导弹袭击造成 63 人死亡，包括 10 名幼童。附近没有任何军事目标。6 月 12 日，在 Tell Al-Shaykh (德拉)遭炮击期间，一名 13 岁的女童受了重伤，当时一枚炮弹击中了她家。袭击中，她的母亲丧生，两名姐妹也受了重伤。

102. 儿童也遭到处决。5 月 2 日亲政府部队突袭 Al-Bayda(塔尔图斯)时，13 至 15 岁的所有男童都被与成人一同杀害。4 月 10 日，在 Khirbet Al-Teen(霍姆斯)，一家贝都因人遇害。家中的成年人被枪杀，而四名儿童则被割喉(另见附件二)。

103. 青年男子或自愿或被迫地加入了军队和国防军。在阿勒颇的检查站，有三名 17 岁男子被强征入伍；其中一人不到两周就战死了。据报告，老兵会虐待新入伍的年轻人，并把他们推上前线。在国防军中发现了十六、七岁的人。

104. 6 月，约 50 名平民一起离开霍姆斯开始流亡，但其中 10 名 14 至 17 岁不等的男子在 Deir Baalbah (霍姆斯)政治安全局管理的一个检查站被带下巴士，被迫脱光衣服并遭到殴打。他们后来得到了释放。

105. 被拘留的成年人常常报告称，在拘留设施中，年仅 13 岁的儿童也遭到监禁和酷刑。

### 2. 反政府武装团体

106. 武装团体对平民区的狂轰滥炸中有儿童丧生。6 月 15 日，Al-Fou'a (伊德利卜)的一名 10 岁男童被邻近的 Binnish 驻军的狂轰滥炸炸死。

107. 6 月 8 日，三名武装分子在阿勒颇处死了 15 岁的穆罕默德·卡塔。6 月 10 日，在 Hatla (代尔祖尔)有 27 人被杀，其中有两名儿童(见附件二)。

108. 一些武装团体征召 18 岁以下的儿童入伍。统一旅和支持阵线的士兵中都有 14 至 18 岁的作战人员。少年兵没有装备重武器，但接受过训练并参加前线的敌对行动。一名作战人员解释称，招募儿童是因为“他们有战斗激情；他们无所畏惧”。

109. 一名 13 岁的男童在学校停课之后加入了自由叙利亚军在德拉的一个营。他未获准携带武器或弹药，只是充当搬运人员，职责包括运输伤员和药品以及准备弹药。5 月时，他受了重伤。另一名向自由叙利亚军从属团体提供支持服务的男孩是 13 岁时看到父亲在检查站受辱之后参军的。

### 3. 库尔德武装团体

110. 在阿夫林(阿勒颇)和哈塞克，民保队征召了年满 12 岁的男童和女童入伍。2012 年底，有大量男童女童应征参战，以阻挡支持阵线从土耳其进入哈塞克。

## 四. 涉及敌对行动的侵犯人权行为

### A. 非法攻击

111. 大多数平民死亡都是由无选择的或过度的狂轰滥炸造成的。这些非法攻击是人们在阿拉伯叙利亚共和国境内流动和流向境外的主要原因。

112. 几乎每个省都有政府部队非法攻击的记录。收容来自霍姆斯等不服控制地区的境内流离失所者的村镇尤其遭到了无情的攻击。

113. 一些反政府武装团体——特别是阿勒颇北部和伊德利卜郊区的反政府武装团体，也实施过狂轰滥炸。

#### 1. 政府和亲政府部队

114. 在全国各地，政府都用大炮、迫击炮和火箭弹轰炸平民区。直升机和战斗机的空袭也很常见，在一些地区甚至是每天发生。地对地导弹和集束炸弹等非精确武器常常使用。叛逃者表示，有些攻击带有报复性质，是因为有武装团体驻扎而“惩罚”平民。

115. 政府部队继续猛烈炮击和轰炸各方争夺的战略要地(政府部队和真主党攻击库塞尔及附近村庄的详情，见附件三)。

116. 4 月以来，霍姆斯各处的炮击和轰炸都更加猛烈了。居住在 Job Al-Jarrah、Houlaia、Al-Houlah、Al-Talif、Ain Tamora、Talkalakh、Dar Al-Kabirah、Al-Ghantu、Teir Maalah 和霍姆斯城内反对派控制社区的平民都受到了攻击。在 Al-Qaryatayn, 4 月炮火更加猛烈，到 6 月 24 日地面攻势发动之前，在白天几乎炮火连天。5 月 18 日，在 Al-Talif, 一枚火箭弹击中了从 Al-Houlah 流亡来的一家人的屋子，炸死了一名妇女和她的三名子女。6 月 7 日至 9 日间，从霍姆斯其他地区



逃来的 22 名境内流离失所者在炮火中丧生。4 月，在霍姆斯东部，一个检查站向一辆卡车开炮，造成十多名试图逃往约旦的平民丧生。

117. 逃离霍姆斯郊区西部(特别是库塞尔地区)的人在讲述遭遇时强调，这些攻击使逊尼派教徒失去了家园。大多数人相信这是有意为之。考虑到一些攻击是由真主党发动的，且政府的许多大炮都部署在什叶派村庄中，亲历者很容易将这些攻击与宗教派别斗争联系在一起。

118. 随着平民从霍姆斯逃向大马士革东北部，对收容境内流离失所者的社区的炮击和轰炸加剧了。这发生在 Al-Nabak、Al-Qarah、Yabrud 和代尔阿提耶。士兵们还以暂停攻击为交换条件向这一地区的平民勒索财物。政府部队继续炮击和轰炸大马士革市以南地区，包括 Darayya、Jbeb、Ramadan 和 Adra。

119. 4 月至 7 月间，哈马北部农村地带 (Kafr Zita、Howija、Qalat Al-Madiq、Al-Hawash、Halfaya 和 Tremseh) 的平民遭到了持续攻击。军队检查站和 Al-Suqaylabiyah 等亲政府城镇都发射了炮弹。在 Halfaya，亲政府部队在 5 月 19 日发动地面进攻前进行了炮击。5 月 12 日至 16 日间，政府部队还向 Halfaya 发射了集束炸弹。

120. 在阿勒颇北部各镇，炮击和空袭都在持续，包括空投桶装炸弹。有记录表明，Mare'a、Azan、Anadan、Hreitan、Kafr Hamrah、Al-Atarib 和 Tal Rifat 都遭到了肆意攻击。地对地导弹被广泛使用，造成许多平民伤亡。<sup>7</sup>

121. 在伊德利卜仍有平民居住的城镇，如 Taftanaz、Salqin 和 Jisr-Ash-Shughur，政府部队的狂轰滥炸造成了过多平民伤亡。集束炸弹在这些地区被大量使用。

122. 在德拉，飞机继续轰炸德拉市，特别是 Tariq Asad 地区。遭到炮击的还有 Tafas、Inkhel、Al-Musayfrah、Nawa、Khirbet Ghazalah 和 Maarbeh。

123. 对反对派控制的代尔祖尔市和 Muhassan 的炮击和空中轰炸仍在继续。对这些仍有平民居住的地点发射了地对地导弹。同样，在拉卡省，拉卡市和 Al-Tabqah 遭到了大炮、迫击炮和桶装炸弹的攻击。6 月初，攻击更加猛烈，平民伤亡人数也随之上升。在哈塞克省，政府部队于 3 月炮击了已落入反对派控制的 Al-Hamis 村和 Zahiriyah 村。

124. 在阿勒颇市和德拉市，肆意的狙击行动造成了平民伤亡，包括儿童。

125. 政府部队开展军事行动时明目张胆地对平民和直接参与敌对行动的人员不加区分。叙利亚政府应采取更多预防措施，保护有军事行动的地区的平民。预防措施包括使用更加精准的武器并停止使用桶装炸弹、制导不良的导弹和集束炸弹。

<sup>7</sup> 附件四载有的照片显示了阿勒颇市南部 Al-Nayrab 遭导弹袭击的撞击坑，约有 12 幢房屋在袭击中被毁。

126. 政府部队继续在城镇和村庄中部署军事目标，包括 Nubl 和 Zahra (阿勒颇)、Fou'a (伊德利卜)和霍姆斯西南部的什叶派村庄，从而让平民陷入危险，并违反了国际法律义务。这些地区的居民主要是什叶派教徒、阿拉维特教徒和基督徒。此类部署推动了宗教派别间紧张关系的加剧。

## 2. 反政府武装团体

127. 武装团体继续在平民区内开展行动，违反了避免在密集居住区内或附近部署军事目标的国际法律义务。在若干地点，包括 Kafr Zita (哈马)、Al-Qaryatayn (霍姆斯)和 Al-Nabak (大马士革)，武装团体都特意在远离平民的位置驻扎。然而有一些作战人员(包括阿勒颇市内的那些作战人员)生活在平民中，让平民有了遭到攻击的危险。

128. 以统一旅为首的反政府武装团体继续使用大炮和土制火箭弹攻击阿勒颇北部的 Nubl 和 Zahra。驻扎在村庄中的部队炮击了附近由反对派控制的村庄。

129. 从 3 月至 7 月，由 Ahrar Al Sham、统一旅和支持阵线等武装团体组成的联盟炮击了阿勒颇中央监狱。在阿勒颇市，武装团体不加选择地向政府控制的社区发射了火箭弹和炮弹。

130. 以伊德利卜 Binnish 为基地的武装团体继续向 Fou'a 的各个村庄发射土制火箭弹和炮弹。Fou'a 只要有(以 Taftanaz 和 Binnish 为目标的)政府部队炮击阵地的地方，武装团体对其炮击时就不区分民用目标和军事目标，导致若干平民死亡。

131. 反政府武装团体炮击霍姆斯郊区西南部村庄的情况，见附件三。

132. 委员会收到报告称，有武装团体的狙击手不加选择地朝阿勒颇市内政府控制的社区开火，造成平民伤亡。

133. 反政府武装团体在使用迫击炮、火箭弹和狙击手时未对民用和军事目标加以区分，这就是实施了非法攻击。

## 3. 责任人未确定

134. 本报告所述期间，发生了两起炸弹袭击事件，地点均在大马士革。6 月 11 日，两人在 Marjeh 广场发动了自杀式炸弹袭击，造成 14 人死亡，30 人受伤。袭击目标似乎是附近的一个警察局。6 月 27 日，一个基督教社区发生自杀式炸弹袭击，造成 4 人丧生。袭击目标可能是附近的一个什叶派慈善机构。没有任何方面宣称对此负责。这些炸弹袭击事件没有表现出明确的军事目的，并在平民中散布了恐怖。

135. 上述行为是违反国内法的犯罪行为，但若确定责任人是冲突参与方，则同时也构成战争罪。

## B. 受到专门保护的人员和目标

### 1. 医院和医护人员

136. 在全国各地，医院被毁，医护人员也成为了攻击目标。患病和受伤的平民以及失去战斗力的作战人员被迫忍受得不到救治的苦楚。

137. 按照《日内瓦四公约》共同第三条，冲突各方必须确保伤者和病患得到照料。医院和医护人员必须始终得到尊重和保护，不得成为攻击目标。

### 2. 政府和亲政府部队

138. 有记录表明，哈马、霍姆斯、伊德利卜、德拉、拉卡和大马士革都发生了攻击医院和医护设施的事件。

139. 5月中旬，政府部队在对 Halfaya (哈马)发动地面行动期间，故意炮击了一所野战医院，造成医护人员伤亡，设施遭到毁坏。

140. 在攻击霍姆斯反对派控制地区期间，政府部队于 5 月 16 日摧毁了 Dar Al-Kabirah 的一所儿童医院，并于 5 月底炮击了 Al-Houlah 的一所野战医院。

141. 5 月 24 日，两枚火箭弹击中了伊德利卜 Taftanaz 的一所野战医院。两枚火箭弹是连续发射的，间隔很短，说明医院就是攻击目标。

142. 德拉的野战医院遭到了蓄意的针对性炮击，造成医护人员和病人死亡。鉴于多所医院被迫关闭，伤者得不到救治。虽然仍有一些医院在平民家中的地下室开放，但药品与合格的医护人员严重匮乏。

143. 6月初，Al-Qalamoun 地区的一所野战医院遭到炮击，造成多名病患伤亡。急救人员在第二轮炮击中丧生。

144. 6 月 20 日，政府部队轰炸了拉卡的国立医院。三名医护人员受伤，特护室被毁。

145. 医护人员在履行职责时遭到蓄意袭击和杀害。据观察，存在一种逮捕、骚扰和恐吓医护专业人员的模式(见上文第 54 段至 62 段)。

146. 政府部队将医疗设施非法用于军事用途，破坏了这些设施的中立地位。Al-Waar (霍姆斯)的 Abdul Gadir Al-Shagafi 军事医院被用作向 Al-Waar 和 Juret Al-Sheyah 发动攻击的军事基地。狙击手被部署在医院屋顶，医院周边则部署了坦克和大炮。5 月底，政府部队在向库赛尔发动攻势之前就部署在库赛尔的各家医院内。

147. 安全部门在 Qamishli(哈塞克)和大马士革都安排了大量人员。在大马士革医院工作的护士会收到指示，不得向反对派成员提供医疗救助。选择不去医院寻求救治的人有充分的理由担心自己会遭到逮捕、拘留或杀害。

148. 叙利亚政府故意阻挠伤者和病患寻求帮助，已经违反了按照国际人道主义法所承担的义务。政府部队为了取得军事优势，蓄意将野战医院作为攻击目标，让反对派和被认为支持反对派的人无法获得医疗救助以处理伤患，犯下了攻击受保护目标这一战争罪。这种攻击行为在平民中散布了恐怖。

### 3. 反政府武装团体

149. 5月28日，Liwa Shuhada Al-Huran 攻击了德拉的国立医院。攻击前没有发出警告。此次攻击违反了国际人道主义法，并构成攻击受保护目标这一战争罪。

### 4. 文化财产

#### (a) 政府和亲政府部队

150. 政府部队将文化财产作为军事目标进行攻击。7月13日，政府部队空袭了霍姆斯的一处教科文组织世界遗产基址——骑士堡，对一座要塞塔造成了严重破坏。委员会无法证实当时有反政府武装团体驻扎于该堡的说法。

#### (b) 反政府武装团体

151. 6月11日攻击 Hatla(代尔祖尔)之后两天，支持阵线的作战人员劫掠了什叶派纪念伊玛目侯赛因和伊玛目穆尔塔达的礼堂(*hussainiat*)及什叶派的 Al-Rasoul Al-Muaddam 清真寺，并在其内引爆了炸药。这些礼拜场所是被故意选作目标的，这是针对什叶派地区的攻击的一部分。

152. 4月之前，Ghassaniya(伊德利卜)的一所教堂遭到了蓄意破坏，雕像被肢解，圣像遭到涂抹。据尚存的牧师称，反政府作战人员中的极端分子实施了袭击。

### 5. 记者

153. 对媒体工作者而言，阿拉伯叙利亚共和国已成为世界上最危险的地方(在2012年还是最致命的地方)。叙利亚记者和国际记者在履行职责时遭到了杀害、任意逮捕、拘留、酷刑和失踪。若干名叙利亚记者已自愿流亡。

154. 2011年3月以来，已有多达84名记者在阿拉伯叙利亚共和国遇害。这一数字包括公民记者和网民(通过社交媒体报道正在进行的暴力事件的人)。

155. 至今为止，仍有十多名被派往阿拉伯叙利亚共和国工作的当地记者和国际记者失踪。

### 6. 政府和亲政府部队

156. 7月5日，《东方新闻》报道员兼公民记者菲达·巴利(又名穆罕默德·穆阿兹)重伤不治，一个月前，他因报道政府对大马士革以北 Qabun 的炮击而受伤。

157. 叙利亚政府任意逮捕、拘留记者并对他们施以酷刑。2012年2月16日，总部位于大马士革的叙利亚媒体和言论自由中心的13名记者被空军情报局逮捕并拘留在 Al-Mezzeh。其中的一些男子遭受了严重的酷刑。至今，仍有3人——中心主任马赞·达尔维什、侯赛因·格尔和哈尼·宰塔尼被拘留在大马士革中心监狱，并面临“宣扬恐怖主义行为”的指控。他们的下一次听审定于8月21日在大马士革恐怖主义法院举行。

## 7. 反政府武装团体

158. 叙利亚新闻频道通讯员亚拉·阿巴斯于5月27日遇难，当时她的团队的车辆遭到了库赛尔的反政府武装团体的炮击。

159. 一些武装团体长期拘留记者。这些记者随后未经审判得到释放，且有些人的设备被没收，这表明反政府武装团体是在蓄意阻止记者开展其职业工作。支持阵线的 Muhajireen 旅卷入了两起个案。

## C. 掠夺和损毁财物

160. 在武装冲突中占有财物供私人或个人使用(掠夺)是一项战争罪。按照国际人道主义法，在军事上没有必要的情况下蓄意损毁敌方的财物也是违法的。有记录表明，这两种违法行为都发生了。

### 1. 政府和亲政府部队

161. 政府部队在突袭中故意损毁叛逃者、反政府成员和支持者嫌疑人的房屋、农场和企业。财物在被毁之前还遭到搜查和劫掠。以下各处的突袭中都有此类行为：5月2日至3日在 Baniyas (塔尔图斯)；2月11日在 Musayfrah (德拉)；2月在 Dahadil (大马士革)；3月25日在 Karnaz (哈马)；5月16日在 Halfaya (哈马)；以及6月9日在 Ramadan (大马士革)。

162. 士兵用军车转移劫掠所得。一位受访者报告称，劫掠的赃物可在大马士革的市场上买到，且结束 Darayya 行动后返回的政府部队“在 Athar 街头出售偷来的赃物”。

163. 检查站也是发生非法占有行为的地点。5月，在 Al-Qalamoun 地区(大马士革)和 Inkhel (德拉)的检查站，来自反政府地区的境内流离失所者成为了受害目标。

164. 社区被推土机和爆破夷为平地，以便扫清基地和机场等军事目标的周边地区。

165. 大马士革、德拉以及 Mosha Arbeen 和 Wadi Al-Jawz (哈马)社区的居民区也都被夷为平地。

166. 6月5日，政府部队拆毁了 Inkhel 东部第 15 旅驻地附近的民房。一名前居民表示，拆毁行动旨在改善视野，以便观察城镇以及因位置优越而可能被反政府武装团体作战人员使用的目标房屋。

167. Mosha Arbeen、Wadi Al-Jawz 和 Inkhel 的拆毁行动针对的是被夷平之后可以带来军事优势的民用目标。相比预计取得的实际军事优势和直接军事优势，夷平社区对平民财物造成的损害过大。这种过度攻击行为违反了国际人道主义法。

168. 政府部队犯下了掠夺这一战争罪。他们还违反了关于任意或非法干涉隐私、家庭和住宅的国际人权法。

## 2. 反政府武装团体

169. 在 Hatla (代尔祖尔)，5月10日至11日的冲突之后，什叶派教徒的住宅和宗教场所遭到蓄意损毁(见附件二)。支持阵线的从属团体实施了犯罪。

## D. 非法武器

170. 委员会收到了有关使用化学武器的指控，主要是有关政府部队使用化学武器的指控。根据目前的可用证据，无法就使用的化学剂、运载系统或责任人得出结论。调查正在进行之中。

## E. 围困和危害粮食安全的攻击行动

171. 全国各处继续发生围困现象，对平民带来了惨不忍睹的后果。根据战争法，将饥饿当作战争手段是禁止的。冲突各方必须允许人道主义救助物资无阻通行。

### 1. 政府和亲政府部队

#### (a) 围困

172. 政府和亲政府部队围困了霍姆斯、大马士革、德拉、库奈特拉和代尔祖尔的多个城镇和村庄。这些围困似乎是经过筹划的，是为了让生存条件变得难以承受，逼迫平民逃离。

173. 有记录表明，大部分围困事件都发生在霍姆斯。自 2012 年底，霍姆斯的粮食、水、燃料、药品和电力供给就被切断或受到极大限制。政府部队在真主党的支持下，加大了围困力度，并在发动地面攻势之前几周开展了新的围困行动。这一战略在 5 月对库赛尔的攻势中尤为明显(见附件三)。

174. 5月，随着库赛尔地区军事行动的展开，对 Al-Talif 和 Al-Buweydah 的围困力度加大了。在 Al-Talif, Jibreen 检查站驻守的士兵封锁了粮食供给。5月，政府

部队夺取了 Abel 村，并对 Al-Buweydah 进行围困。霍姆斯市内反对派控制的地区也仍然受到围困。

175. 5 月，士兵和亲政府部队对大马士革市东北部地区进行了围困，这里有从库赛尔逃出的流离失所者。在 Al-Qalamoun 地区，政府控制的检查站截断了粮食和药品的流动。真主党的作战人员加强了对大马士革农村省东部 Harasta 和 Dumah 的围困。包括 Yarmuk 和 Al-Asali 在内的大马士革南部地区以及大马士革农村省西部的 Muadamiyah 都仍被围困。

176. 在德拉，政府检查站对德拉市和 Al-Lijah 各村进行了围困。在大马士革省和德拉省，武装团体有时可以将粮食偷运给平民。

177. 在库奈特拉，Masharah 遭到了围困。政府部队禁止粮食、水、燃料和药品进入。此外，村里的水塔和发电机也遭到了炮击。

178. 在代尔祖尔市内由武装团体控制的地区，粮食、饮用水、电力和燃料被切断。平民因使用未经处理的河水而产生了健康问题。

179. 政府部队和真主党开展了围困行动，违反了根据国际人道主义法承担的义务。

(b) 危害粮食安全的攻击行动

180. 有记录表明，2013 年 5 月底，哈马省北部农业地区的 Kafr Zita、Kafr Nabudah、Halfaya、Qalat Al-Madiq、Al-Howija 和 Tremseh 周边都发生了焚毁已收获作物的事件。

181. 6 月，在霍姆斯省的 Al-Houlah、Al-Talif、Teir Maalah 和 Job Al-Jarrah，已收获作物遭到了焚毁。

182. 5 月底，在伊德利卜的 Taftanaz 周边，收获的小麦和大麦被付之一炬。大火是在 Fou'a 各村内的大炮阵地开火之后点燃的。

183. 4 月至 6 月间，政府部队向 Anadan、Hreitan 和 Mare'a 的田地里发射了炮弹和迫击炮弹，焚毁了作物。

184. 在哈马省和霍姆斯省，试图灭火的农民遭到附近检查站士兵开枪射击。

185. 6 月 9 日在 Ramadan (大马士革)发起地面攻势期间，以及 6 月 24 日在 Al-Qaraytayn (霍姆斯)发起地面攻势期间，安全部队将牛和其他家畜杀死并焚烧。5 月 16 日在对 Halfaya (哈马)发起地面进攻期间，政府部队焚烧了作物，还劫掠农具。

186. 针对农作物的攻击都发生在收获期即将开始之时，说明这些攻击是蓄意的，目的是限制粮食供应。

## 2. 反政府武装团体

### 围困

187. 自 2012 年 7 月以来，阿勒颇北部的武装团体包围了 Nubl 和 Zahra，封锁了城内居民和政府部队的粮食、燃料和药品供给。实施围困的团体有多个，包括统一旅、Liwa Ahrar Sourya、Liwa Al-Fatih 和支持阵线。政府一直定期用直升机运送补给品。

188. 4 月以来，包括统一旅、支持阵线和 Ghoraba Al-Sham 在内的武装团体围困了主要由库尔德人居住的阿夫林镇。武装团体相信，粮食和其他必需品的补给是通过民保队的检查站运往 Nubl 的。武装团体试图占领这些检查站，冲突随之爆发。不久，阿夫林的粮食和电力供给被切断。因为镇上得不到清洁的用水，感染性疾病患者开始增多。

189. 4 月，士兵和国防军进入阿勒颇中央监狱之后，武装团体对该监狱实施了围困。武装团体封锁了粮食和药品供给。7 月底，80 名政治犯得到释放，围困随后暂时中止。

190. 阿勒颇的反政府武装团体实施围困，违反了根据国际法承担的义务。

## 五. 问责

191. 人权理事会授权委员会，力求将违反和滥用国际法的责任人绳之以法。<sup>8</sup> 委员会继续将那些有理由相信应为其报告中提到的罪行和侵犯人权行为负责的人记录在案。

### 1. 政府和亲政府部队

192. 政府负有保护公民各项权利的主要责任。如上文和先前的报告所记录的，政府部队犯下了危害人类罪、战争罪，并违反了国际人权法。

193. 叙利亚政府尚未表现出驾驭收敛其安全和情报机构的意愿和能力。同样，政府还纵容亲政府部队实施罪行。除非政府在这些实体内整肃纪律，侵犯人权行为还将继续。

### 2. 反政府武装团体

194. 一些反政府武装团体犯下了战争罪。各团体的指挥官始终未能采取适当的纪律措施。

<sup>8</sup> 人权理事会第 21/26 号决议，第 10 段。



## 六. 结论和建议

195. 无情的炮击已经杀死了上千名平民，让一个又一个城镇的全体居民流离失所。大屠杀和其他非法杀戮的行为得不到惩罚。失踪的男子、儿童和妇女难以计数。许多人在拘留时遇害；酷刑给幸存者带来了身体上和精神上的伤痕。医院和学校遭到了轰炸。

196. 阿拉伯叙利亚共和国千疮百孔的边境让区域武装行为方更容易介入冲突，宗教方面的行为方尤甚。冲突态势极度复杂，影响远远延伸到该国边境之外。许多侵犯人权行为中都有宗教派别斗争的影子，根源还是在政治方面。是政治因素推动了宗教派别斗争，催生了暴力，并让行凶者肆无忌惮。

197. 10 篇报告和最新情况汇报都是以这些侵犯人权行为作为重点的。行凶者并未受到威慑，也不惧怕未来被追究责任。

198. 这一冲突没法用军事方式解决。提供武器的各方所创造的胜利是虚假的。只有以叙利亚行动小组会议最后公报(日内瓦公报)<sup>9</sup>宗旨为基础的政治解决方式才是通向和平的唯一道路。

199. 委员会再次提出以往报告中的建议，并强调以下各项建议。

200. 调查委员会建议所有各方：

- (a) 停止对平民地区的狂轰滥炸、包括境内流离失所者聚居的地区的狂轰滥炸；
- (b) 采取一切可行的预防措施，尽可能降低攻击行动对平民和民用目标的影响；
- (c) 停止处决平民和失去战斗力的作战人员；
- (d) 停止对被拘留者实施酷刑，用人道的方式对待所有被拘留者；
- (e) 停止绑架和劫持人质；
- (f) 拒绝使用武器化的化学剂；
- (g) 停止招募儿童兵；
- (h) 采取具体措施，确保追究犯下侵犯人权行为的士兵的责任；
- (i) 拒绝宗教派别斗争言论；
- (j) 承诺停战以允许人道主义救助在该国无阻通行，并为采取初步措施以利对话提供空间；

<sup>9</sup> A/66/865-S/2012/522。

(k) 立即告知被拘留者他们被拘留的原因，并让他们可以得到独立的司法复审，联络家人，并得到律师协助；

(l) 将被拘留者的下落告知其家人，并允许探视；

(m) 确保保存侵犯人权行为和国际犯罪的物证；

201. 委员会建议阿拉伯叙利亚共和国政府：

(a) 停止对平民区使用油气弹、集束炸弹、桶装炸弹和其他没有制导或制导较差的非精确武器；

(b) 确保从事逮捕工作的人员受过培训并尊重被拘留者享有的无罪推定的基本权利；

(c) 允许委员会入境，以便其从全面角度更加彻底地调查各项犯罪指控。

202. 委员会建议反政府武装团体排除极端分子。

203. 委员会建议国际社会：

(a) 支持以日内瓦公报为基础的和平进程，以及联合国和阿拉伯国家联盟叙利亚问题联合特别代表的工作；

(b) 确保任何和平谈判都是在国际法的框架内进行的，认识到在国家和国际一级都亟需司法介入；

(c) 停止武器转让，因为这些武器明显可能被用于实施严重违反国际法的行为；

(d) 采取切实措施遏制极端分子日益扩大的影响。

204. 委员会建议人权理事会：

(a) 支持委员会的各项建议，并支持委员会向安全理事会汇报；

(b) 通过秘书长将本报告转交安全理事会。

205. 委员会建议大会：

(a) 支持委员会的工作，邀请委员会定期提供最新情况汇报；

(b) 支持委员会的各项建议，并施加影响，以求和平解决该国问题。

206. 委员会建议安全理事会：

(a) 采取具体措施，确保所有各方在武装冲突中履行保护平民的责任；

(b) 支持委员会的工作，并允许委员会向理事会汇报，以便定期简要介绍局势发展情况；

(c) 在所有利益攸关方充分参与的情况下，推动和支持该国的全面和平进程；

(d) 承诺确保追究侵犯人权行为的责任人的责任，包括可能时移交国际司法机构处理。

## Annex I

[English only]

## Correspondence with the Government of the Syrian Arab Republic



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS  
Tel: 41-22-9179989, Fax: 41-22-9179007

Independent International Commission of Inquiry on the Syrian Arab Republic established pursuant to  
United Nations Human Rights Council Resolutions S-17/1, 19/22, 21/26 and 22/24

The 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 in Geneva and specialized institutions in Switzerland.

The Human Rights Council in its resolution 23/1 of 28 May 2013 requested the Commission of Inquiry to urgently conduct a comprehensive, independent and unfettered inquiry into the events in Al Qusayr and also requested the Commission to include the finding of the inquiry in its report to the Human Rights Council at its 24<sup>th</sup> session.

In order to conduct this investigation, the Commission reiterates its request to undertake an official visit to Syria to gather relevant information. The Commission further invites the Government, as a central source of information regarding incidents that have occurred on its territory, to provide any relevant information in its possession, which may shed light on the events that have unfolded in Al Qusayr in May and June 2013.

The Commission wishes to underline its full commitment to the principles of independence, impartiality and objectivity, as well as its willingness to cooperate with the Government of the Syrian Arab Republic in the conduct of its mandate.

The Commission avails itself of this opportunity to extend to the Permanent Mission of the Syrian Arab Republic to the United Nations Office in Geneva and specialized institutions in Switzerland, the assurances of its highest consideration.

Geneva, 2 July 2013



Permanent Mission of the Syrian Arab Republic  
to the United Nations Office in Geneva  
and specialized institutions in Switzerland  
Geneva, Switzerland

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OFFICE OF THE HIGH COMMISSIONER

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The Independent International Commission of Inquiry on the Syrian Arab Republic established pursuant to Human Rights Council resolution S-17/1 and extended through 19/22, 21/26 and 22/24 presents its compliments to the Permanent Mission of the Syrian Arab Republic to the United Nations Office and other international organisations based in Geneva and has the honour to transmit a copy of the letter addressed to H.E Walid al Muallem, Minister of Foreign Affairs (attached).

The Commission avails itself of this opportunity to extend assurances of its highest consideration to the Permanent Mission of the Syrian Arab Republic to the United Nations Office and other international organisations in Switzerland.



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



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Independent International Commission of Inquiry on the Syrian Arab Republic established pursuant to  
United Nations Human Rights Council Resolutions S-17/1, 19/22, 21/26 and 22/24

16 July 2013

Excellency,

I am writing on behalf of the Independent International Commission of Inquiry on the Syrian Arab Republic established by the United Nations Human Rights Council.

The Commission welcomes your Government's invitation to the Head of the United Nations Mission to Investigate Allegations of the Use of Chemical Weapons in the Syrian Arab Republic, Professor Åke Sellström, and the UN High Representative for Disarmament Affairs, Ms. Angela Kane, to visit Damascus with a view to completing the consultations on the modalities of cooperation required for the proper, safe and efficient conduct of the United Nations Mission to Investigate Allegations of the Use of Chemical Weapons in the Syrian Arab Republic.

We take this opportunity to respectfully request that the members of the Commission of Inquiry - Paulo Sérgio Pinheiro (Brazil), Karen Koning Abuzayd (United States), Carla Del Ponte (Switzerland) and Vitit Muntarbhorn (Thailand) - be granted access to the Syrian Arab Republic to examine with you the modalities for a future visit of the Commission to your country.

The Commission will present its next report to the Human Rights Council at its 24th session in September 2013 and such a visit would be of great value for the preparation of the upcoming report with the input of information that your government would share with us and that we would be able to observe in an unbiased and impartial manner during our stay.

The Secretariat of the Commission of Inquiry is at the disposal of the Permanent Mission of the Syrian Arab Republic in Geneva to further discuss the logistics of that exploratory visit of the commissioners.

Please accept, Excellency, the assurances of our highest consideration.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Paulo Sérgio Pinheiro'.

Paulo Sérgio Pinheiro  
Chairperson  
Independent Commission of Inquiry on  
the Syrian Arab Republic

His Excellency Mr. Walid al Muallem  
Foreign Affairs and Expatriates Minister  
Damascus, Syrian Arab Republic

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Independent International Commission of Inquiry on the Syrian Arab Republic established pursuant to  
United Nations Human Rights Council Resolutions S-17/1, 19/22, 21/26 and 22/24

The Independent International Commission of Inquiry on the Syrian Arab Republic (hereinafter, the Commission) presents its compliments to the Permanent Mission of the Syrian Arab Republic to the United Nations in New York

The Commission would like to express its most sincere appreciation for the comments offered by His Excellency the Ambassador of the Syrian Arab Republic to the United Nations, Doctor Bashar al-Ja'fari, on the occasion of the briefing at the United Nations General Assembly on 29 July 2013, pursuant to resolution A/RES/67/262 of 4 June. The Commission welcomes any additional documentation which the Syrian Arab Republic may deem relevant to its investigation, regarding violations of international law and the effects of economic sanctions on the lives of ordinary Syrians. Information with regard to the established Anti-Terrorism Courts would also be welcome.

The Commission kindly reminds His Excellency of the upcoming report, which will be publically released in late August, and presented to the Human Rights Council in Geneva, on 16 September 2013.

The Commission avails itself of this opportunity to renew to the Permanent Mission the assurances of its highest consideration.

05 August 2013



Permanent Mission of the Syrian Arab Republic  
to the United Nations in New York  
New York, United States of America  
Fax +1 212 983 4439

cc. Permanent Mission of the Syrian Arab Republic  
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## Annex II

[English only]

### Massacres

1. The commission continued to carry out its specific mandate to investigate all massacres.<sup>a</sup> In the incidents described, the intentional mass killing and identity of the perpetrator were confirmed to the commission's evidentiary standards.

#### Government and pro-Government forces

*Deir Baalbeh, Homs, 7-11 April 2012*

2. In the Deir Baalbeh, near Homs city, between 20 and 40 men were killed in circumstances amounting to mass execution. Evidence indicated that the men, found in groups of two to 13, had been blindfolded and had their hands tied behind their backs, before being shot at close quarters. Reasonable grounds exist to believe that Government forces committed the massacre.

*Al-Hamamiat, Hamah, 13 March 2013*

3. Government forces stationed in Al-Hamamiat, a village located four kilometres east of Karnaz, Hamah, unlawfully executed six male farmers, residents of Al-Hamamiat. The men were internally displaced to Kafr Nabudah but had returned to Al-Hamamiat on 13 March. They approached troops stationed at a checkpoint, apparently seeking access to their farms. The commission has reasonable grounds to believe that Government forces stationed in Al-Hamamiat unlawfully killed the men in violation of international law.

*Bab Amr, 27 March 2013*

4. Government forces regained control over Bab Amr neighbourhood, Homs city, for 10 days during the second half of March. As per observed patterns, after heavy shelling, Government troops entered the neighbourhood as FSA fighters withdrew. Save for a number of elderly, most civilians had fled.

5. On 27 March, pro-Government forces, including the National Defence Forces, gathered several people, including seven elderly members of the Bzazi family. The seven were executed and their bodies burnt at the family house. The deceased were between the ages of 50 and 88 years old and included four women and three men. The Commission found reasonable grounds to believe that pro-Government forces unlawfully killed the Bzazi family members.

*Khirbet Al-Teen, Homs, 10 April 2013*

6. The Qadrou family, part of a community of Bedouins was executed in the area of Khirbet Al-Teen, in Homs countryside. The family included eight children (aged between two and 18 years old). Videos of the victims clearly show that they had been shot at close range and three of the child victim's throats were slit. The village, along the Tartus-Homs highway, where the victims were found is surrounded by villages that support Government forces.

<sup>a</sup> See A/HRC/22/59, para 42.

7. There are reasonable grounds to believe that pro-Government forces have unlawfully killed the Qadrou family.

*Jdeidat Al-Fadel, western Damascus countryside, 21 April 2013*

8. Accounts collected confirmed that thousands of internally displaced persons were in the area of Jdeidet Al-Fadel when Government forces launched a military operation on 15 April. With the participation of the 100<sup>th</sup> Regiment and 4<sup>th</sup> Brigade, all access points to the area were blocked by Government forces whereas heavy shelling from army bases west of the town targeted residential areas inside, causing a number of casualties. Some accounts state that the FSA had successfully overtaken a checkpoint outside Jdeidet Artouz which prompted the Government's response. As fighting intensified, particularly between 15 and 21 April, thousands of civilians along with a number of anti-Government fighters were blocked inside the town. Hundreds of Government snipers were positioned on the town's exit points. Snipers and soldiers positioned at the town exits killed many civilians trying to flee the hostilities. Anti-Government forces attempted to accompany thousands of civilians out of the area of combat but the blockade and the military operation made this impossible.

9. Collected evidence gave reasonable grounds to believe that Government forces executed a number of inhabitants once they took control of the town, including the Imam of the Mosque and his family.

*Al-Bayda, Baniyas, Tartus, 2 May 2013*

10. On the morning of 2 May, the army surrounded Al-Bayda and blocked the main exit points. Extensive shelling preceded the operation leading many civilians, especially those living at the edge of the village, to flee to surrounding agricultural areas. At approximately 7am Government forces entered with a force of 60-70 soldiers, establishing sniper positions around the main village square. Government forces proceeded to raid various streets in the village as members of the National Defence Forces joined the operation. Hundreds of civilians were arrested while some were executed in various locations. Evidence indicates that between 40-60 bodies were laid out in one room, a mobile phone shop, near the square. The bodies appear to have been burned. The victims appeared to have been first arrested and then executed in the square area. Some of the victims also appeared to have been hit in the head with blunt, heavy objects. Bodies of 30 women, also apparently executed, were found in a house not far from the centre while tens of bodies were strewn in the streets. Between 150-250 civilians were allegedly killed. Testimonies were consistent that members of the National Defence Forces were actively involved in the raids and in many cases leading them.

11. Findings indicate that armed opposition was not present or actively engaged in hostilities in the village of Al-Bayda or its vicinity in the lead-up or during the alleged massacre. Some of the accounts suggest that Government forces were chasing a small activists' cell in the village which it accused of facilitating the defection of regular soldiers from the army. It is evident, however, that the type of military operation and the alleged massacre that ensued were not in the context of an armed confrontation. Government forces with the support of the National Defence Forces operated freely throughout the day on 2 May in and around the village. There were no reported deceased pro-Government forces. The area where the village is located was under the full control of government forces. Accordingly, there are reasonable grounds to believe that government forces and affiliated militia including the National Defence Forces are the perpetrators of the Al-Bayda massacre



*Ras Al-Nabe', Baniyas, Tartus, 3 May 2013*

12. The incidents at Ras Al-Nabe' are closely connected to the events of Al-Bayda the preceding day. News spread that the National Defence Forces, with the support of the army, were moving towards the village as part of the same operation. Hundreds of civilians attempted to leave the village through the regular checkpoints but were pushed back. Some of the inhabitants managed to flee through dirt roads as main access roads to the village were blocked. Government forces proceeded to shell the village from various locations, including from a bridge connecting the village to other areas including Al-Bayda. Shelling lasted for approximately an hour before pro-Government forces moved in.

13. As they raided the village, civilians were captured and executed. The commission reviewed evidence of families that had been executed, including children, as part of the operation. Testimonies of those who witnessed the aftermath described bodies lying in the streets for days before the inhabitants could safely return to collect them. Some of the bodies appeared to have been hit with heavy or sharp objects, especially in the face and head area. According to reports the numbers killed is between 150-200. As in Al-Bayda, there is no indication that the armed opposition was active in the village. The operation did not occur in the context of a military confrontation. Government forces were in full control of the area.

14. Based on an analysis of the evidence, there are reasonable grounds to believe that pro-Government forces perpetrated the 3 May killings in Ras Al-Nabe'.

*Khirbat Al-Souda, Homs, 15 May 2013*

15. On 15 May, anti-Government armed groups attacked a checkpoint at the railway linking Homs and Tartus. In retaliation for this incident, Government forces from the checkpoint shelled and raided Khirbat Al-Souda, a small village five kilometres north of Homs city, killing 16 people, including two women and a three-year-old child, and burned their bodies.

16. In eight incidents detailed above, reasonable grounds exist to believe that the war crime of murder was committed by Government and pro-Government forces, including the National Defence Forces.

**Anti-Government armed groups***Hatla, Dayr Az-Zawr, 11 June 2013*

17. On June 11 at approximately 5:45 am, several anti-Government armed groups, including members of Jabhat Al-Nusra, attacked the Shi'ite areas of Hatla, a mixed, but Sunni-majority, village located in eastern Dayr Az-Zawr. In the ensuing fight, anti-Government armed groups defeated the outnumbered and outgunned Shi'ite fighters. More than 20 were killed and some were captured. Ten anti-Government fighters were killed during the attack.

18. During the takeover, anti-Government armed group fighters conducted home invasions, killing and summarily executing (by shooting at close range) many Shia including at least 30 civilians, among them children, women and elderly. Fighters also set civilian houses and a Shia mosque on fire as they shouted sectarian slogans.

19. There are reasonable grounds to believe that the anti-Government fighters who attacked Hatla unlawfully killed at least 20 civilians in violation of international law. In relation to the 11 June killings in Hatla, anti-Government armed groups involved have committed the war crime of murder.

**Incidents remaining under investigation**

20. In some incidents that remain under investigation, the fact of the illegal killing was confirmed; however the perpetrator could not be identified. In other cases the circumstances of the killing is not sufficiently clear to make a determination as to its legality.

*Abel village, Homs, 25 March 2013*

*Al-Burj, Talkalakh, Homs, 30 March 2013*

*Jib Khasara, Hamah, 22 May 2013*

*Saroaf Checkpoint, Nawa, Dara'a, 1 June 2013*

*Mazra, Aleppo, 24 June 2013*

*Al-Haswiyah, Homs, 14 July 2013*

**Incidents to be investigated during next reporting period as of 31 July 2013**

*Al-Bayda, Tartus, 21 July 2013*

*Khan Al-Assal, Aleppo, 22 July 2013*

*Til Aran, Aleppo 31 July 2013*

## Annex III

*[English only]*

### **Inquiry into events in Al Qusayr**

1. Pro-Government forces, including Hezbollah, launched a major offensive against the region of Al-Qusayr, Homs governorate, from 4 April to 8 June 2013, forcing the withdrawal of anti-Government armed groups from the town and the surrounding countryside.
2. In its Resolution A/HRC/23/1, the Human Rights Council requested the Commission of Inquiry to “urgently conduct a comprehensive, independent and unfettered inquiry into the events in Al Qusayr” and requested the findings of the inquiry be included in its report to the Council at its 24<sup>th</sup> session.
3. This Annex details the offensive according to information collected during the investigations, taken together with documentary material such as photographs, satellite imagery and video recordings.

### **Background**

4. Al-Qusayr is located in Homs province at a strategic juncture for the warring parties’ forces operating in the central governorates. The town is located close to the Lebanese borders along the main line of communication between Damascus and both northern and coastal governorates.
5. Since early 2012, anti-Government armed groups have controlled parts of the locality and extended their presence to its countryside, reducing the presence of Government forces to the eastern neighbourhood of Al-Qusayr city around the security square. Control of the town enabled the armed groups to ensure cross-border movement of arms and logistics while also disrupting the Government’s supply lines from Lebanon’s Bekaa Valley.
6. Government forces responded by imposing a siege on Al-Qusayr towns and surrounding villages. The Syrian army prevented the flow of food and water into the areas from the northern and eastern access points, while Hezbollah did the same following the assumption of control of access points to the south and west. For over a year, Al-Qusayr and nearby villages came under heavy shelling and aerial bombardment by Government forces. Both the Government siege and shelling of the area intensified in the weeks prior to the ground attacks.
7. From April to mid-June, anti-Government armed groups fired homemade rockets and artillery shells into villages, such as Hermel, under Government and Hezbollah control. Some rockets fell on Al-Qasr, a village inside Lebanon, causing civilian casualties.
8. In the Al-Qusayr western countryside, tensions increased between anti-Government armed groups and pro-Government armed elements in the Shia villages. This led to Hezbollah’s incremental involvement. As a result of clashes between the warring parties, local inhabitants from the predominantly Sunni villages around Al-Qusayr were internally displaced to safer areas in Al-Qalamoun, northeastern Damascus countryside, with thousands fleeing to the town of Eرسال in Lebanon.

9. Inside the town of Al-Qusayr, various anti-Government armed groups collaborated during operations under the supervision of Al-Qusayr Military Council. The main groups included Al-Farouq Battalions, Al-Waleed Battalions, Fajr Al-Islam Brigade, Bashair Al-Nasr Battalions, Al-Haq Brigade and a group of Jabhat Al-Nusra fighters. Immediately prior to the Government offensive, there were approximately 2,000 – 2,500 anti-Government armed group fighters inside Al-Qusayr.

10. In March 2013, the siege around Al-Qusayr town and the surrounding countryside tightened. Villages west of the Al-Assi River, predominantly populated by Sunni Muslims, were particularly affected. These included Al-Burhaniya, Al-Radwaniyeh, Saqraja, Ayn Al-Tannur, Arjoun and Al-Hamidiyah.

11. In the weeks prior to the May 2013 offensive, there were severe shortages of food, water and medicine inside the town of Al-Qusayr. By early May, Hezbollah had taken control of the Ain Tanour and Hamah water stations, four kilometres west and two kilometres north of Al-Qusayr town respectively. Water to the town, already limited, was cut entirely. Sanitation levels declined rapidly, resulting in a corresponding increase in infectious diseases. As medical supplies ran low, the ability of hospitals and clinics to treat civilians injured by shelling and by crossfire was severely compromised. Pro-Government forces refused to allow Red Crescent ambulances to enter Al-Qusayr to evacuate the wounded.

### **Preparatory operations and bombardment**

12. In reaction to the coordinated attack by anti-Government armed groups on southern districts of Homs city in March 2013, a Government offensive on Al-Qusayr was initiated in early April. This offensive formed a key part of the Government's strategy to secure Homs governorate.

13. Government forces, supported by foreign combatants including thousands of Hezbollah fighters, captured the majority of villages in the countryside in order to cut the armed groups' supply lines and prevent their withdrawal. From 11 April to 13 May, Hezbollah fighters controlled the Sunni villages located in the southwest of Al-Qusayr (west of Al-Assi River), while the Government regained territory in Homs city and challenged the armed groups' positions from the northeast. These tactics ultimately blockaded the armed groups in a triangle formed by the towns of Al-Qusayr, Buwaydah Al-Sharqiyah and Arjoun. The tight siege imposed on the town of Al-Qusayr prevented the transfer of reinforcements and weapons to the armed groups.

14. Shelling and airstrikes on Al-Qusayr town and surrounding villages also escalated in the weeks prior to the ground attacks. The villages to the southwest of Al-Qusayr were shelled with mortars and came under aerial bombardment from jet fighters and helicopters. Al-Qusayr also came under sustained attack, from shelling, surface-to-surface missiles and aerial bombardment. In the ten days prior to the ground attacks, shelling and bombardments on the area were near continuous.

### **Attack on Al-Qusayr city**

15. On 19 May, Hezbollah fighters along with Government troops and National Defence Forces launched a final attack on Al-Qusayr from several directions, reportedly forcing a negotiated withdrawal of anti-Government fighters. Witnesses stated that the armed groups withdrew in exchange for the lifting of the siege and the evacuation of civilians and injured persons.

16. The ground attack by the pro-Government forces was accompanied by an extensive campaign of shelling and bombardment involving the use of artillery and airpower. Corroborated interviews indicated the use by Hezbollah fighters of a highly explosive shoulder fired missile, likely to have been thermobaric in nature. This weaponry caused a significant number of casualties among anti-Government fighters and civilians, as well as extensive destruction of buildings.

17. Within 24 hours, on 20 May, Government forces and Hezbollah fighters managed to take control of Al-Qusayr town, with the exception of its northern neighbourhood where anti-Government armed groups redeployed. Fighting continued throughout May, with both sides reinforcing their positions in and around the town. Further Government reinforcements were redeployed from Damascus and Dara'a, including from the Syrian Republican Guard.

18. Approximately 300 anti-Government fighters, including elements from the Al-Tawheed Brigade from Aleppo and the Al-Usra Army from Dayr Al-Zawr, arrived to support the armed groups inside Al-Qusayr. Despite those reinforcements, anti-Government armed groups began to lose ground to Government forces and Hezbollah. Government forces benefitted not only of their superior weaponry and their ability to sever the armed groups' supply lines into Al-Qusayr but also from Hezbollah's expertise in street-to-street insurgency fighting. Approximately 500 armed group fighters were killed by shelling and by gunfire during the ground operations. An estimated 800 to 1000 fighters were injured, rendering them hors de combat. The Government later indicated that approximately 1,000 anti-Government fighters were captured. It has not been able to confirm these numbers. The whereabouts and treatment of many captured fighters is currently unknown.

19. The remaining fighters were unable to hold ground in the face of the pro-Government onslaught. Squeezed between northern Al-Qusayr and Buwaydah Al-Sharqiyah, the fighters, together with civilians and hors de combat fighters, were forced – or allowed – to withdraw from Al-Qusayr on 5 June along a narrow corridor still under opposition control to reach the villages of Dabaa, Salhiyah and Buwaydah Al-Sharqiyah.

20. Until the last day of the offensive, scores of women, children and elderly had been able to exit Al-Qusayr through military checkpoints in Domaynah Al-Sharqiyah and Shamseen. However, those at risk of arbitrary arrest and unlawful detention – themselves a gateway to a range of other violations – had little choice but to remain inside the town. This included civilian men, boys over 12 years old and women related to wanted persons, such as defectors. They formed part of the convoy leaving Al-Qusayr in the last days of the battle.

### **The fall of Al-Qusayr**

21. It has been difficult to estimate the size of the convoy that exited Al-Qusayr on 5 June, primarily because of the sheer number of people moving in a narrow formation out of Al-Qusayr towards Buwaydah Al-Sharqiyah. However, there are reasonable grounds to believe that the total number was between 13,000 and 15,000 people. Corroborated accounts indicate that at least 10,000 civilians, mostly males over 12 years and over, were part of this convoy. This large group moved along dirt roads to avoid army positions.

22. From 6 to 8 June, the convoy of internally displaced moved towards the Homs-Damascus Highway through Domaynah Al-Sharqiyah, Hamra and Al-Hussayniyah. The few persons remaining in these villages joined the convoy.

23. After taking control of the town of Al-Qusayr, pro-Government forces successively recaptured the remaining villages including Dabaa (6 June) and Buwaydah Al-Sharqiyah (8

June). The displacement of thousands of civilians and fighters, including hundreds of injured, followed.

24. At dawn on 7 June, the first group of civilians and fighters, numbering approximately 500 people, arrived at the Homs-Damascus highway. The majority of the group was able to cross, in spite of shelling from nearby army checkpoints, which caused a number of casualties. Continued shelling and the resulting deaths led the remaining thousands still waiting to cross to retreat a few kilometres to a farming area next to Al-Hussayniyah where they stayed until the following night.

25. At around 9pm on 8 June, the group of displaced tried once again to cross the highway but were targeted by shelling from army positions in nearby Shamseen and Shinshar. In an effort to facilitate the crossing of the highway by waiting civilians, anti-Government fighters reportedly attacked the Shamseen checkpoint. By dawn, more groups of civilians and injured fighters were still unable to reach east of the highway. They returned to the area of the farms, where they spent two more days suffering from lack of water, food and medication. In one instance on 8 June, army tanks and troops from checkpoints in the area attacked the civilians and fighters hiding in the farms, but they were pushed back by anti-Government fighters.

26. On or around 8 June, following a negotiation, armed groups returned the bodies of two Hezbollah fighters in exchange for the safe passage of 34 seriously injured armed group fighters to the Lebanese Red Crescent. The injured fighters suffered beatings while under Hezbollah's control but were taken alive to the border and handed over to the Red Crescent for medical treatment.

27. It was not until on or about 11 June that the groups of fighters and civilians were able to cross the highway and entered the localities of Shamseen, Hissiyah and Al-Dibah. They settled there for a few days before leaving to other areas across the country and towards Ersal in Lebanon.

## **Casualties**

28. The commission has, to date, been able to verify the killing of 450 people during the offensive on Al-Qusayr town. Approximately half were civilian casualties, killed primarily in the shelling and aerial bombardment of the town in the early days of the offensive.

29. While civilians were killed by gunfire, it has not been possible to determine who fired the shots or the circumstances under which the shooting took place. These civilians may have been killed in crossfire during the intense street-to-street battles.

## **Findings**

### **Unlawful attacks**

#### *Pro-Government forces*

30. In its shelling and aerial bombardment of both Al-Qusayr and the Al-Qusayr region in the months and weeks preceding the military offensive – and in particular during the intense shelling which occurred in the ten days prior to the ground attack – Government forces conducted themselves in flagrant disregard of the distinction between civilians and persons directly participating in hostilities.

31. On 17 April, the aerial bombardment of Buwaydah Al-Sharqiyah killed at least 12 people, including two women and two children. On June 7, at least a dozen civilians

displaced from Al-Qusayr were killed when the army shelled orchards on the outskirts of the town. Between 5 and 12 June, Government shelling targeted internally displaced persons fleeing Al-Qusayr, the vast majority of whom were civilians and hors de combat fighters. Civilians were killed in the shelling as they attempted to cross the Damascus-Homs highway in search of a safe haven.

32. During the attack on Al-Qusayr and the villages around it, the Government deployed extensive aerial and artillery capabilities. This included imprecise weaponry such as surface-to-surface missiles which destroyed not only individual targets but also blocks of buildings. That the majority of civilians were killed in the shelling and aerial bombardment underlines the failure to take adequate precautions to protect civilians.

33. As set out in the chapter on Unlawful Attacks, Government forces consistently transgressed the fundamental principle of the laws of war that they must at all times distinguish between civilian and military objectives.

34. Government forces and Hezbollah also positioned military objectives inside the villages to the south-west of Al-Qusayr, endangering the civilian population and violating international legal obligations.

#### *Anti-Government armed groups*

35. Anti-Government armed groups shelled villages west of Al-Qusayr, home predominantly to a Shia community, without taking precautions to protect civilians living inside. On 27 May, a Lebanese girl aged 17 was killed in a rebel mortar attack on the Hezbollah stronghold of Hermel. On 11 June, one man was killed and several people were injured during a rocket attack also on Hermel.

36. Anti-Government armed groups used mortars, rockets and snipers in a manner that failed to distinguish civilian and military objectives, thereby committing unlawful attacks.

37. Armed groups also operated within civilian areas, including in the town of Al-Qusayr itself, violating international legal obligations to avoid positioning military objectives within or near densely populated areas.

#### *Imposition of sieges*

##### *Pro-Government forces*

38. Government forces and Hezbollah had imposed a siege on the Al-Qusayr area since late 2012. In the weeks prior to the military offensive, the siege tightened considerably with harrowing consequences for the civilians remaining inside Al-Qusayr town and the surrounding villages. The cutting off of medical supplies into Al-Qusayr town, in particular, had dire consequences for the ability of the hospitals and clinics to treat those injured by shelling and gunfire.

39. As detailed in the section on Sieges and Attacks on Food Security, pro-Government forces have a legal obligation to allow and facilitate the unimpeded passage of humanitarian relief. The use of starvation as a method of warfare is clearly prohibited under the laws of war. There is strong evidence to suggest the siege was imposed for the specific reason to render the conditions of life unbearable, weakening the armed groups and forcing civilians, who were so able, to flee.

40. Government forces and Hezbollah have imposed sieges and blockades in the Al-Qusayr region, without complying with their obligations under international humanitarian law.

### **Torture and other forms of ill-treatment**

#### *Pro-Government forces*

41. Following a negotiated exchange of 34 seriously injured armed group fighters for the bodies of two Hezbollah fighters on or around 8 June, the injured *hors de combat* fighters were beaten by Hezbollah members prior to their transfer to the Lebanese Red Crescent for medical treatment. Such conduct is in flagrant disregard for the protections accorded to the sick, wounded and *hors de combat* fighters from ill-treatment.

### **Massacres and other unlawful killings**

42. Civilians were killed in the indiscriminate shelling of Al-Qusayr and its surroundings. It has not been possible to determine, beyond the requisite standard of proof, the circumstances in which those killed by gunfire died. Given the fierce fighting that took place in Al-Qusayr, there is a strong possibility that those killed may have been caught in crossfire between the warring factions. There is no evidence, as yet, to indicate that fighters on either side were killed in circumstances that would have deemed those killings unlawful. Investigations are continuing.







**Annex IV**

*[English only]*

**Photographs of Al-Nayrab (Aleppo), May and July 2013**



**Digital Globe World View 1 – 13 May**



**Digital Globe World View 1 – 27 July**

