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Hunting the Wounded

Double-Tap Strikes on Healthcare Facilities

Al-Ihsan/Odai al-Husain Hospital in Saraqeb

October 25, 2022

Introduction

Since the Syrian uprising evolved into an armed conflict, the Syrian government and its allies have systematically targeted medical personnel and facilities in opposition-held areas. In a previous report, the Syria Justice and Accountability Center (SJAC) investigated the practice of double-tap strikes, which involve striking an initial location, then striking the same location soon after to target civilians and medical personnel who arrive at the scene between the strikes.¹ Having identified the use of double-tap strikes as a regularly implemented military strategy, SJAC's investigation team examined the patterns surrounding the usage of a similar tactic against hospitals.

This report investigates a variation of a standard double-tap strike. In these types of attacks, Syrian government and allied forces struck an initial location, causing casualties who were transported to a nearby hospital. Syrian government and allied forces then struck the hospital to which those injured in the initial attack were brought, maximizing damage to the wounded as well as medical personnel and facilities. The following report details the team's findings and suggests that such strikes were performed to intentionally harm persons and objects protected by international humanitarian law (IHL), including medical personnel and facilities, rather than to attack an identifiable enemy. These strikes constitute serious violations of IHL amounting to war crimes. Furthermore, the systematic nature of these attacks suggests that they were made pursuant to an intentional military strategy conceived by high-level leadership, rather than individual military commanders.

Methodology

SJAC uncovered Syrian government documents describing the use of sequential strikes early in the conflict, first against a civilian or military target and then against a formal or field hospital. These documents illustrate the intentional development of this tactic as a systematic practice employed by government forces. The first two incidents examined in this report, in Sijer Village and Al-Basel Forest, Idlib, are described in these government documents.

For the remaining three reports, SJAC's Open-Source Intelligence (OSINT) investigators examined examples of sequential strikes performed on hospitals in Syria throughout the conflict. The team used SJAC's documentation database, Bayanat, to find and cluster information gathered from social media platforms, media outlets, and satellite imagery. After identifying such a strike, SJAC's investigation team evaluated each case by verifying three elements to establish the timing, location, and targets of each strike. First, the team verified the location of the hospital, identified the structure targeted in the attack, and confirmed that the structure was the direct target. Second, the team verified that a preliminary attack had taken place before the attack on the hospital and geolocated the first attack to confirm that it occurred near the hospital in question.

Where possible, the team employed chronolocation to confirm that the preliminary attack indeed took place before the attack on the hospital in question. To that end, the team used the tool SunCalc to combine geolocation and the measurement of shadow length in each image—in this case, a still

from open-source footage of each incident—and to establish the time of day at a given location. In cases where open-source footage of the preliminary strike was not available, the team relied on witness testimony and interviews with medical personnel and patients who were present at the hospital at the time of the second attack.

SJAC has identified eleven incidents that appear to fit this pattern. This report provides an overview of the process of investigating five of these cases: Sijer Village and Al-Basel Forest in Idlib, Al-Ihsan/Odai al-Husain Hospital in Saraqeb, Al-Shifaa Hospital in Afrin, and Wassem Hussino Hospital in Kafr Takharim.

Sijer Village, Idlib

A Syrian government document describes an artillery strike by government forces against **"terrorists"- a blanket term that could refer to opposition fighters or civilians from opposition-held areas** - in the village of Martein at 9:04 PM local time on September 10, 2013. An informant for government forces relayed the information that the casualties from this attack were brought by ambulance to a field hospital located in a school in the village of Sijer. Government forces then identified the location of this building at 11:39 PM in order to launch an attack against the structure and kill injured opposition fighters and medical personnel. This document concludes with a note that a second report on the consequences of this field hospital attack will follow, suggesting that Syrian government forces were interested in developing and honing this tactic for future use.

"A large group of terrorists, including those that had been attacking the Konserwa checkpoint, was observed gathering in the forests and chicken farms north of the village of Martein. The coordinates of three points in this area were identified in coordination with the military operations command, and shelled by artillery at 9:04 PM on 10 September 2013. The shelling led to a direct hit on the target and a large number of casualties among the terrorists. After following up with the source, we learned that the wounded terrorists had been brought in two ambulances to a school southwest of the village of Sijer. The coordinates of this school were identified and provided to the military operations command at 11:39 PM on 10 September 2013. We will provide you with the timing and outcome of the strike later."

Al-Basel Forest, Idlib

A second document describes the further use and elaboration of this practice. At 1 PM local time on October 12, 2013, Syrian government forces located and targeted a group of opposition fighters on the road connecting Idlib City to Idlib Central Prison. Government forces were able to track the movement of wounded opposition fighters to a field hospital north of Hafez Rest Area in Al-Basel Forest. After identifying the building containing the field hospital, government forces targeted it in a strike, killing twelve individuals and wounding more.

"The Syrian Arab Republic Ministry of the Interior Political Security Division Political Security, Idlib Branch Number: 4837/ب ص Date 13 October 2013 To: The Political Security Division - Information Branch"

"On the Idlib-Central Prison Road: We learned of a group of armed terrorist gangs in the agricultural machinery workshop at the Al-Basel Forest crossing, and determined the coordinates of the location in coordination with the military operations command. We targeted the location with artillery shells at 1:00 PM on 12 October 2013, achieving a direct hit on the target that led to several casualties. The terrorists then moved their dead and wounded into Al-Basel Forest, where a field hospital was located in a building located to the north of Al-Hafez Rest Area. On the same day, the coordinates of this building were identified and then shelled at 2:00 PM. The strike resulted in:"

"1. The death of 12 armed terrorists. 2. The wounding of more than twenty terrorists, including severe injuries. 3. The destruction of equipment located in both locations."

Al-Ihsan/Owdai Hospital, Saraqib

SJAC's investigation team identified video of the aftermath of two sequential airstrikes in Saraqib, a city in Idlib Governorate, on the morning of January 29, 2018. These videos show the aftermath of an airstrike on the market, in addition to features of the built environment, including kiosks and billboards. These distinct features allowed for the identification and geolocation of this airstrike.²

Visual analysis of these videos allowed SJAC's investigation team to determine the timing of both attacks and establish that the strike against Souq al-Batata (the potato market) was earlier than the strike against Al-Ihsan Hospital, also known as Owdai Hospital.

According to this activist, a number of those injured were then taken from the site of the attack to Al-Ihsan Hospital for treatment. This corroborates MSF's account of the incident.⁴

Credit: Idlib Media Center

Around 10:20 AM, two air strikes targeted Al-Ihsan Hospital. Marsad 80 claims that these were barrel bomb strikes conducted by a helicopter taking off from Nairab military airport, held by Syrian government and allied forces. This corroborates observation data obtained by Airwars. Two videos obtained by SJAC show the aftermath of the attack on Al-Ihsan Hospital. In one of these videos, the cameraman claims that some of those receiving treatment in the hospital at that time had been injured in the airstrike on Souq al-Batata, and that medical personnel had been wounded in the strike on the hospital.⁵

Credit: Idlib Media Center

SJAC's investigation also corroborates MSF's account of this airstrike. According to MSF, this strike damaged the waiting room and destroyed an ambulance, killing at least five individuals and injuring medical personnel and other civilians.⁶ This subsequent attack forced the closure of the facility, which provided medical care to 50,000 people residing in Saraqib and elsewhere in eastern Idlib Governorate.⁷

An Airwars investigation of media reporting indicates that all sources attribute these strikes to the Russian military, although observation data obtained by Airwars suggests that the helicopter lacked identification.⁸ But taken together, the available evidence—especially the location of the target and the helicopter's departure from a government-held base—strongly indicates Syrian government or Russian military responsibility for this attack.

Souq al-Batata is connected to Al-Ihsan Hospital by Road 60B. Based on the geolocation data established above, Souq al-Batata is only 2.2 kilometers from Al-Ihsan Hospital. This indicates that first responders had ample time to bring casualties from the market to the hospital between 10 AM - when medical personnel were active at the location of the first airstrike - and 10:20 AM, when MSF claims the subsequent strike on Al-Ihsan Hospital took place.

Al-Ihsan/Owdai Hospital

A subsequent video interview with Dr. Ali al-Faraj, deputy director of Al-Ihsan Hospital, corroborates this account.⁹ In this interview, Dr. Faraj indicated that airstrikes in the area of the market had preceded the attack on the hospital. He also noted that the strike at the hospital resulted in multiple casualties and the hospital had been put out of service. An interview conducted by

SJAC with a laboratory technician employed by the hospital likewise confirms that an airstrike targeted the market before the subsequent attack on Al-Ihsan hospital.

Al-Shifaa Hospital, Afrin

This evidence corroborates reports by multiple civil society organizations and media outlets. The Syrian American Medical Society (SAMS) reported that the preliminary attack took place around 6:00 PM and included a strike that landed within 100 meters of the hospital.¹¹ According to investigations by Syrians for Truth and Justice (STJ), the Syrian Civil Defense, and Airwars, the rocket artillery was fired from territory controlled by the Syrian Democratic Forces (SDF) in which Syrian government and Russian forces were also present.¹² According to STJ, this first strike caused multiple civilian casualties. Many of those who were injured in the strike were taken to Al-Shifaa hospital.¹³

Around 7:15 PM, the second rocket artillery strike hit the hospital. Multiple videos show the aftermath of this attack.¹⁴ In one such video, a witness claims that the attack resulted in casualties among civilians and medical personnel.¹⁵ Again, this evidence corroborates accounts from civil society organizations and media outlets. According to accounts by Airwars, SAMS, STJ, and Syrian Civil Defense, the second attack took place around 7:15 PM, when two rockets struck the hospital, destroying the emergency room and the labor and delivery room.¹⁶

As an in-depth investigation of this incident by STJ noted, the rocket artillery system that likely launched this series of strikes can be imprecise.¹⁷ But SJAC's investigative team has determined that no legitimate military targets existed in the immediate vicinity of the hospital. Moreover, the use of such a weapon against an area that contains a medical facility, and the timing of this attack so soon after a preliminary strike against civilian targets, shows, at a minimum, a willingness to engage in indiscriminate military action that places civilians, injured persons, medical personnel, and civilian and medical structures at grave risk of collateral damage.

Wassim Hussaino Hospital, Kafr Takharim

SJAC's investigative team identified multiple videos of the aftermath of an April 25, 2017 airstrike on Wassim Hussaino Hospital in Kafr Takharim, in Idlib Governorate. SJAC determined that this attack occurred following an initial airstrike reported against the nearby area of Al-Dwaila. No visual evidence of the original attack on Al-Dwaila is available, and because the subsequent attack on Wassim Hussaino Hospital took place at night, it is impossible to independently verify the timing of that attack. However, testimonies from eyewitnesses of the airstrike on the hospital and interviews conducted by SJAC are consistent with media reporting and an investigation by Airwars.

Hmeimim airbase

Multiple videos show the aftermath of the attack on Wassim Hussaino Hospital. In one such video uploaded to YouTube by the Syrian Network for Human Rights, a witness claims that airstrikes took place nearby around 12:30 AM local time, after which injured civilians were brought to Wassim Hussaino Hospital.¹⁸ SJAC also interviewed Marsad 80 regarding this attack. This activist claimed that a Russian Sukhoi Su-34 launched this attack from Hmeimim airbase in Latakia Governorate, and confirmed that those injured in this first airstrike were brought by ambulance to Wassim Hussaino hospital in nearby Kafr Takharim. This account corresponds with an investigation by Airwars, which notes consensus among media sources in attributing responsibility for the attack to Russian forces.¹⁹ Moreover, the Syrian military generally lacks the capability of launching airstrikes at night, further strengthening the case for Russian responsibility for this attack.²⁰

According to this YouTube video, an airstrike targeted the hospital around 2:00 AM local time with two volumetric weapons, destroying the medical facility and several medical transports, and wounding civilians and medical personnel.²¹ Marsad 80 contends that a second Russian warplane launched this subsequent airstrike. In another video, a member of the Syrian Civil Defense claims that two volumetric weapons struck the hospital, leading to civilian casualties and putting the hospital out of service.²² Airwars likewise notes consensus among media sources on Russian responsibility for this attack.²³ Observation data obtained by Airwars indicates that three Russian warplanes were observed circling the area, and three unidentified drones were observed nearby.

An interview conducted by SJAC with an orthopedic surgeon and the manager of the hospital, corroborates this account. According to the doctor, the hospital had been targeted previously, indicating that Syrian government and Russian forces knew its location and therefore where to strike to amplify harm to civilians. SJAC previously reported that the UN deconfliction mechanism forced hospital administrators to share coordinates of their hospitals as a condition of providing humanitarian aid and that such coordinates were shared with the Russian military.²⁴ He confirmed that the subsequent strike on the hospital took place around 2 AM local time on Monday, April 25, 2017, following the attack on Al-Dwaila. He also claimed that the strike destroyed the hospital's main gate, operating rooms, central generator, warehouse, and two ambulances, rendering the hospital inoperable.

This account also corresponds with an investigation conducted by Airwars, which again notes consensus among media sources regarding Russian forces' responsibility for the attack.²⁵

Legal Analysis

In July 2012, the International Committee of the Red Cross (ICRC) officially classified the conflict in Syria as a non-international armed conflict between the Syrian government and armed opposition groups, which obligates all parties involved to respect IHL.²⁶ Yet the strikes against civilian and medical targets described in this report reflect an armed conflict in which the belligerents have ignored their obligations under IHL, namely the principles of distinction and limitation. Under these principles, civilians must be distinguished from combatants and civilian objects are to be protected.²⁷

Humanitarian actors, particularly medical personnel, enjoy special protections under IHL. Their role as civilians must be respected and personnel must be granted all available help in exercising their duties.²⁸ Humanitarian and medical personnel must not be penalized for treating the sick and wounded.²⁹ Further, medical units and transports must be respected and protected.³⁰ Medical personnel may not be attacked or hindered from performing their duties such that they, or wounded persons, would face dire consequences.³¹ These attacks plainly violate these principles.

These strikes against hospitals likewise violate prohibitions in IHL against targeting medical facilities. Strikes against hospitals and other medical facilities constitute a "grave violation of international humanitarian law... A targeted attack on a medical facility is a violation of IHL and can constitute a war crime if it was intentional, due to negligence stemming from a failure to properly verify the military or civilian nature of the target, a disproportionate response to the identified military threat, or undertaken without advance warning of an imminent attack."³² A preponderance of evidence suggests that Syrian government and allied forces, including the Russian Armed Forces, intentionally targeted these medical facilities, or at minimum failed to take the necessary precautions to avoid striking them.

The effect of such strikes suggests that the motivation for conducting attacks was not to weaken an enemy but to cause severe damage to civilians and civilian objects, including especially medical personnel and facilities. This violates the principle of limitation inasmuch as such strikes aim to

intentionally inflict unnecessary suffering and injury. It also puts such strikes within the category of war crimes such that the commission, as they represent large-scale patterns of: (i) intentionally directing attacks against a civilian population or against individual civilians not taking direct part in hostilities, (ii) intentionally directing attacks against buildings, material, medical units, transport, and personnel using the distinctive emblems of the Geneva Conventions in conformity with international law, (iii) intentionally directing attacks against personnel, installations, material, units, or vehicles involved in humanitarian assistance that are entitled to protection under IHL, and (iv) intentionally directing attacks on hospitals and places where the sick or wounded are collected, provided that they are not military objectives.³³

At the time of writing, crimes committed in Syria do not fall within the jurisdiction of the International Criminal Court (ICC) because Syria is not a State Party to the Rome Statute. Nor is a Security Council referral to the Office of the Prosecutor probable given Russia's alliance with the Syrian government and its own commission of crimes in Syria. Furthermore, while Russia and Syria are state parties to the Geneva Conventions and evidence of their violations is plentiful, international humanitarian law lacks an enforcement mechanism. However, an array of mechanisms has been put in place to document, preserve and build cases for such atrocities for when a legal mechanism becomes available. In addition, a small number of cases are being prosecuted in foreign states pursuant to universal jurisdiction.³⁴

Conclusion

Across the Syrian conflict, the Syrian government and its allies—including the Russian Armed Forces—have systematically attacked medical personnel and facilities in opposition-held areas. This represents one part of a wider set of practices that involve targeting civilians and civilian objects in order to subdue areas outside of government control. The cases examined in this report constitute an especially pernicious variation on such tactics, in which Syrian government and allied forces first struck a target and subsequently attacked a nearby medical facility. Such sequenced attacks appear designed to maximize harm to protected persons and objects including civilians and civilian structures, injured persons, and medical personnel and facilities. By destroying the health infrastructure, the Syrian government has nullified the ability of these areas to provide care for injuries, chronic diseases (such as cancer), and communicable diseases. Further, it has denied the population access to proper medical facilities, further leading to conditions ripe for causing death and terrorizing the population. Whether such sequenced attacks—or, for that matter, any attacks on medical personnel and facilities—were intentional or simply indiscriminate, they amount to violations of IHL and the laws of war. In the specific case of the strike on Al-Shifaa hospital in Afrin, the SDF may also be implicated in such violations, although this attack better matches patterns of Syrian government and Russian targeting of medical facilities.

Yet like most crimes committed by state actors over the eleven years of conflict, no venue is currently available for survivors of such attacks to seek accountability. If pilots, artillery crews, or those issuing orders for such attacks are identified and are present in states exercising universal jurisdiction, these individuals could be investigated and prosecuted for war crimes. Even so, the senior leadership most responsible for these tactics will remain out of reach until the ICC is granted jurisdiction or a hybrid (or other) tribunal is created. Until this opportunity arises, SJAC will continue to document the realities facing Syrians, laying the foundation for future transitional justice efforts. In the meantime, parties to the conflict must respect the protected status of civilians and humanitarian personnel in line with international law.

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Although Russia has entered into the conflict in Syria, its attacks against non-state actors do not "internationalize" the armed conflict because Russia intervened with the Syrian government's consent. See Tom Gal, Legal Classification of the Conflict(s) in Syria in *The Syrian War: Between Justice and Political Reality* (ed. H Moodrick-Even Khen, N. Boms, & S. Ashraph), Cambridge 2020, pp. 54-55.

[27] Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II)," June 1977 ("APII") Article 13(2) and preamble "Recalling that, in cases not covered by the law in force, the human person remains under the protection of the principles of humanity and the dictates of the public conscience".

[28] APII, Article 9(1).

[29] APII, Article 10(4).

[30] APII, Article 11(1).

[31] ICRC, Ambulance and Pre-Hospital Services in Risk Situations," June 8, 2020, <https://www.icrc.org/en/publication/4173-ambulance-and-pre-hospital-services-risk-situations> .

[32] Médecins Sans Frontières, "Primer: Protection of medical services under International Humanitarian Law," November 3, 2015, <https://www.msf.org/primer-protection-medical-services-under-international-humanitarian-law> .

[33] See e.g. Rome Statute of the International Criminal Court, Article 8(2)(e)(2). https://legal.un.org/icc/statute/99_corr/cstatute.htm .

[34] Syria Justice and Accountability Centre, "Universal Jurisdiction," <https://syriaaccountability.org/universal-jurisdiction/>.