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HUMAN
RIGHTS
WATCH

“They Burned My Heart”

War Crimes in Northern Idlib during Peace Plan Negotiations



“They Burned My Heart”

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“They Burned My Heart”

War Crimes in Northern Idlib during Peace Plan Negotiations

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Map of Idlib Governorate



Summary

I cried, and screamed, and begged the soldiers to release them, and then I said, “I want God to burn your hearts just as you are burning mine.”

—“Heba” (not her real name), whose son and brother were executed during the government attack on Saraqeb

As United Nations special envoy Kofi Annan was negotiating with the Syrian government to end the fighting in Syria in late March 2012, government forces launched a series of large-scale attacks against opposition-controlled towns in the Idlib governorate east and north of Idlib city.

This report documents government forces’ attacks on the towns of Sarmeen, Saraqeb, Taftanaz, Hazano, Kelly, and half a dozen smaller villages in this area between March 22 and April 6, 2012. In the course of these attacks, security forces and pro-government militias killed at least 95 civilians, burned, destroyed, and looted hundreds of houses and stores, and arbitrarily detained dozens of people in these towns. At least 35 of the killed civilians were summarily executed.

Human Rights Watch visited the towns of Sarmeen, Saraqeb, Taftanaz, Hazano, Kelly between April 25 to 29 and interviewed 65 victims and witnesses to the attacks. During visits to affected towns, Human Rights Watch also examined physical evidence such as destroyed and burned buildings, remnants of ammunition, and traces of bullets and shells.

In all of the towns, Human Rights Watch observed and photographed numerous destroyed, damaged, and burned houses, shops, mosques, and makeshift hospitals.

According to the witnesses, the attacks followed similar patterns in all the villages, starting with shelling from tanks early in the morning, sometimes together with attacks from helicopters. After a few hours, tanks and infantry advanced into the towns where they stayed for one to three days before moving on to the next town: Sarmeen (March 22-23); Saraqeb (March 24-27); Taftanaz (April 3-4); Hazano (April 5); and Kelly (April 6).

Graffiti left by soldiers in all the towns visited indicate that the 76th Armored Brigade of the Syrian army played a key role in the military operation. Witnesses also said that agents from Syria's intelligence agencies participated in the attacks, in some cases arbitrarily detaining or executing local residents. It is also possible that forces from other units participated in the operation.

The towns that were attacked by the Syrian security forces had been mainly controlled by opposition forces. In some cases opposition fighters tried to prevent the army from entering the towns. However, in most cases, opposition fighters said that they withdrew quickly when they realized that they were significantly outnumbered and had no means to resist tanks and artillery. In other towns opposition fighters said that they left without putting up any resistance in order to not endanger the civilian population. On April 6, prior to the ceasefire agreed with the United Nations, forces that had carried out these attacks reportedly returned to the Mastuma military camp in Ariha, seven kilometers from Idlib city.

While both opposition fighters and government soldiers were killed during the operations, this report focuses on violations against the civilian population. The fighting in Idlib appeared to reach the level of an armed conflict under international law, given the intensity of the fighting and the level of organization on both sides, including the armed opposition, who ordered and conducted retreats. This would mean that international humanitarian law (the law of armed conflict) would apply in addition to human rights law. Serious violations of international humanitarian law are classified as war crimes.

In the course of the military assault on the part of Idlib governorate visited by Human Rights Watch, government forces and pro-government militias killed at least 95 civilians, many of them by summary execution. Human Rights Watch documented that government forces executed 35 civilians who were in their custody. In cases documented by Human Rights Watch, at least three of the victims were children.

The majority of the executions documented by Human Rights Watch in this report, including several mass executions, took place during the government's attack on Taftanaz, a town of about 15,000 inhabitants northeast of Idlib city, on April 3 to 4. In Taftanaz, government forces seem to have specifically targeted the Ghazal family, many members of which supported the opposition.

A survivor of the security forces' killing on April 3 of 19 members of the Ghazal family in Taftanaz described to Human Rights Watch finding the bodies of his relatives:

We first found five bodies in a little shop next to the house. They were almost completely burned. We could only identify them by a few pieces of clothes that were left. Then we entered the house and in one of the rooms found nine bodies on the floor, next to the wall. There was a lot of blood on the floor. On the wall, there was a row of bullet marks. The nine men had bullet wounds in their backs, and some in their heads. Their hands were not tied, but still folded behind.

A mother in the town of Sarmeen described how her three sons were taken from the family home early in the morning on March 23 by seven soldiers from the 4th Brigade of the Syrian army. An hour later a neighbor raised the alarm that the security forces had started a fire nearby.

My daughters and I went out with buckets, and then my daughters, who were in front, ran to me, saying that my sons were there as well. After we extinguished the fire, we found their bodies. Bilal was shot in the middle of his forehead, Yousef behind his ear, and Talal was shot by two bullets, in the head and in the back. Their hands looked like they had been tied behind; the ropes burned, but the hands were still folded behind. We had to leave them in the street for about 10 hours; the shooting continued and we couldn't take the bodies away. We were only able to bury them after the army left.

During the attacks in Idlib governorate documented in this report, government forces killed some civilians when they opened fire from machine guns, tanks, or helicopters, often several hundred meters away from their targets. In several cases documented by Human Rights Watch, government forces opened fire and killed or injured civilians trying to flee the attacks. The circumstances of these cases indicate that government forces failed to distinguish between civilians and combatants and to take necessary precautionary measures to protect civilians. Government forces did not provide any warning to the civilian population about the attacks.

For example, 76-year-old Ali Ma'assos and his 66-year-old wife, Badrah, were killed by machine gun fire shortly after the army launched its attack on Taftanaz in the morning on April 3 as they tried to flee the town in a pickup truck with more than 15 friends and family members.

Upon entering the towns, government forces and *shabeeha* (pro-government militia) burned and destroyed a large number of houses, stores, cars, tractors, and other property. Local activists have recorded the partial or complete burning and destruction of hundreds of houses and stores. In Sarmeen, for example, local activists have recorded the burning or destruction of 318 houses and 87 shops, in addition to several warehouses, mosques, and pharmacies. In Taftanaz, activists said that about 500 houses were partially or completely burned and that 150 houses had been partially or completely destroyed by tank fire or other explosions.

Because local residents often fled when the army attacked, Human Rights Watch was not always able to find and interview eyewitnesses to the actual destruction. In most cases, owners only found out that their houses had been burned or destroyed when they returned home after the government forces withdrew. In some cases, local residents said that particular houses had been targeted because they belonged to family members of opposition fighters or activists. In other cases, local residents did not know why a particular house had been targeted. Human Rights Watch examined many of the burned or destroyed houses in the affected towns.

In most cases documented by Human Rights Watch, the burning and destruction appeared to be deliberate. The majority of houses that were burned had no external damage, excluding the possibility that shelling ignited the fire. In addition, many of the houses that were destroyed were completely destroyed, in contrast to those which only appeared to have been hit by tank shells.

During the military operations, the security forces also arbitrarily detained dozens of people. About two-thirds of the detainees remain in detention to date, despite the promises of Assad's government to release political detainees. In most cases, the fate and whereabouts of the detainees remain unknown, raising fears that they had been subjected to enforced disappearance. Those who have been released, many of them elderly or disabled, told Human Rights Watch that during their detention by various branches of the intelligence apparatus (*mukhabarat*) in Idlib city they had been subjected to torture and ill-treatment.

Since the beginning of anti-government demonstrations in February 2011, Syrian security forces have carried out widespread and grave violations, in some cases amounting to crimes against humanity. Human Rights Watch has documented these violations in several reports and numerous press releases. We have also documented and condemned serious abuses by opposition fighters in Syria, including abuses in Taftanaz. These abuses should be investigated and those responsible brought to justice. However, they by no means justify the violations committed by the government forces, including summary executions of villagers and the large-scale destruction of villages.

In early February 2012, the Syrian military started a large-scale military assault on opposition strongholds including Homs, Hama, and Idlib, carrying out further serious violations. In mid-March, joint UN and Arab League envoy Kofi Annan proposed a six-point peace plan to bring about a ceasefire and open political dialogue. In the following weeks, Annan negotiated the peace plan with the Syrian government and announced on April 4 that Syrian President Bashar al-Assad had given assurances he would “immediately” start pulling back his forces and complete a military withdrawal from urban areas by April 10. On April 21, the Security Council established a UN supervision mission in Syria, with 300 observers, tasked with monitoring the cessation of violence and implementation of Annan’s plan.

However, as this report documents, even while Syrian officials were negotiating the peace plan and President Assad was declaring his support for Annan’s efforts, the army continued its military assault on Idlib governorate.

Human Rights Watch calls on the UN Security Council to ensure that the UN supervision mission deployed to Syria includes a properly staffed and equipped human rights component able to safely and independently interview victims of human rights abuses documented in this report, while protecting them from retaliation. Human Rights Watch also called on the UN Security Council to ensure accountability for these crimes by referring the situation in Syria to the International Criminal Court.

I. Chronology of Events

In mid-March, joint UN and Arab League envoy Kofi Annan proposed a six-point peace plan to bring about a ceasefire in Syria and open political dialogue. In the following weeks, Annan negotiated the peace plan with the Syrian government and announced on April 4 that Syrian President Bashar al-Assad had given assurances he would “immediately” start pulling back his forces and complete a military withdrawal from urban areas by April 10.

However, as this report documents, even while Syrian officials were negotiating the peace plan and President Assad was declaring his support for Annan’s efforts, the army continued its military assault on Idlib governorate.

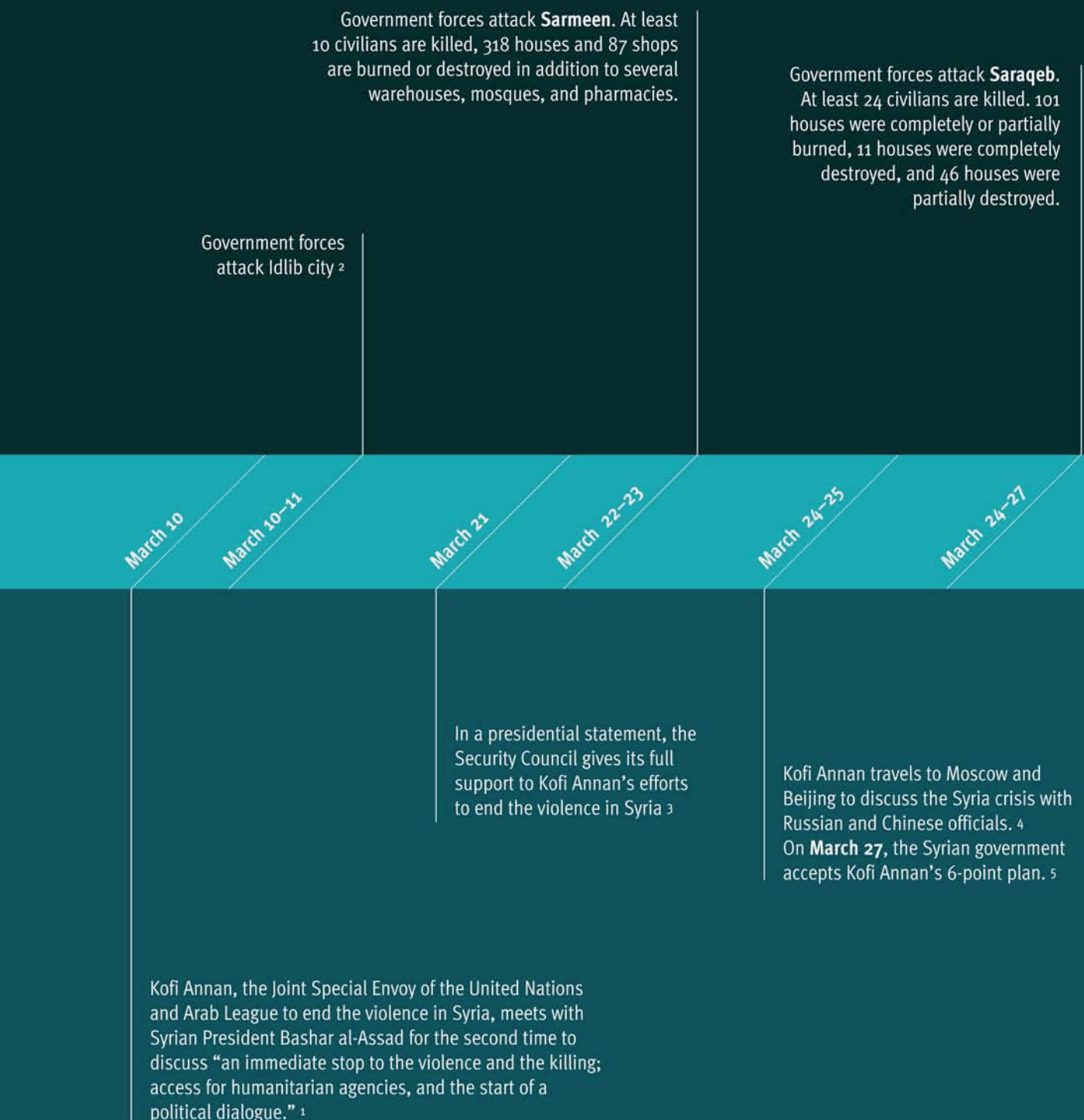
Between March 22 and April 6, government forces attacked the towns of Sarmeen, Saraqeb, Taftanaz, Hazano, Kelly, and half a dozen smaller villages in the governorate of Idlib to the north and east of the city of Idlib. The attacks followed a similar pattern, starting with shelling from tanks early in the morning, sometimes accompanied by helicopter attacks. After a couple of hours, tanks and infantry advanced into the towns where they stayed for one to three days before they withdrew.

Graffiti by the soldiers in the affected towns indicate that the military operation was led by the 76th Armored Brigade. Human Rights Watch documented graffiti saying “Brigade 76,” “Death Brigade 76,” or “The Death Brigade” in one or several places in all the towns listed above. Some witnesses also mentioned seeing the same inscriptions on military vehicles that were moving through the towns.

Opposition fighters were present in all of the towns prior to the attacks and in some cases tried to prevent the army from entering the towns. In most cases, opposition fighters said that they withdrew quickly when they realized that they were significantly outnumbered. In other towns opposition fighters said that they left without putting up any resistance, allegedly in order to not endanger the civilian population.

Local residents, activists, and opposition fighters were in most cases forthcoming about whether those killed were fighters or civilians. In cases of discrepancy between sources, Human Rights Watch has indicated the most conservative number of civilians killed and people executed.

Events on the Ground in Syria



Diplomatic Negotiations

Government forces attack **Kelly**.
At least 8 civilians are killed and 170 houses
fully or partially burned.

Government forces attack **Hazano**. At least 4 civilians
are killed, 22 houses are completely destroyed, 177
buildings are partially destroyed, and 437 rooms in
other houses are burned in addition to 16 shops.

Government forces attack **Taftanaz**. At least
49 civilians are killed. Some 490 houses are
partially or completely burned and 150
houses are partially or completely destroyed
by tank fire or other explosions.

April 1

April 3-4

April 5

April 5

April 6

The Syrian Government informs
Annan that it will implement a
plan for withdrawing its
military from residential areas
starting April 1 to April 10 and
that there will be no new
deployments to residential
areas.⁶

On April 2, Annan briefs the
UN Security Council about the
Syrian government's
acceptance of his plan.⁷

The Security Council releases a presidential statement calling
"upon the Syrian government to implement urgently and visibly
its commitments, as it agreed to do in its communication to the
Envoy of 1 April, to (a) cease troop movements towards
population centres, (b) cease all use of heavy weapons in such
centres, and (c) begin pullback of military concentrations in
and around population centres, and to fulfil these in their
entirety by no later than 10 April 2012."⁸

¹ "President al-Assad meets UN Secretary General Envoy Kofi Annan," SANA, March 10 2012; "Statement by Mr. Kofi Annan, Joint Special Envoy for Syria after his second meeting with President Assad," Kofi Annan Foundation, statement, March 11, 2012, <http://kofiannanfoundation.org/newsroom/press/2012/03/statement-mr-kofi-annan-joint-special-envoy-syria-after-his-second-meeting-pr> (accessed April 30, 2012).

² Human Rights Watch, In Cold Blood: Summary Executions by Syrian Security Forces and Pro-Government Militias, April 10, 2012, <http://www.hrw.org/reports/2012/04/09/cold-blood-o>.

³ "In Presidential Statement, Security Council Give Full Support to Efforts of Joint Special Envoy of United Nations, Arab League to End Violence in Syria," Security Council meeting coverage, SC/10583, March 21, 2012, <http://www.un.org/News/Press/docs/2012/sc10583.doc.htm> (accessed April 30, 2012).

⁴ "Regular Press Briefing by the Information Service," The United Nations Office at Geneva press briefing, March 23, 2012, [http://www.unog.ch/unog/website/news_media.nsf/\(httpBriefingsLatest_en\)/4884061965F53217C12579CA0042E772?OpenDocument](http://www.unog.ch/unog/website/news_media.nsf/(httpBriefingsLatest_en)/4884061965F53217C12579CA0042E772?OpenDocument) (accessed April 30, 2012).

⁵ "Briefing by Special Envoy for Syria," post to "What's In Blue" (blog), Security Council Report, March 30 2012, <http://whatsinblue.org/2012/03/briefing-by-the-joint-special-envoy-on-syria.php> (accessed April 30, 2012).

⁶ Letter from Kofi Annan to UN Security Council, April 10, 2012, <http://www.innercitypress.com/annan2sco41012.html> (accessed April 30, 2012).

⁷ "Remarks by Ambassador Susan E. Rice, U.S. Permanent Representative to the United Nations, at the Security Council Stakeout following a Briefing by Joint Special Envoy Kofi Annan," United States Mission to the United Nations press briefing, April 2, 2012, <http://usun.state.gov/briefing/statements/187298.htm> (accessed April 30, 2012).

⁸ "UN Security Council Presidential Statement on Syria," United States Mission to the United Nations, April 5, 2012, <http://usun.state.gov/briefing/statements/187451.htm> (accessed April 30, 2012).

As set out in the legal section below, in a situation of an armed conflict, not all killings of civilians and destruction of civilian property will constitute a violation of international humanitarian law.

The previous graphic provides an overview of the main developments of the attacks, without making a determination whether the killing of civilians and destruction of civilian property were unlawful. The chapters below focus on cases that in Human Rights Watch's analysis constitute violations of international law, and may amount to war crimes. Information about the number of civilians killed and destruction of civilian property was provided by local activists. For Sarmeen, Saraqeb, Hazano, and Taftanaz, local activists provided the names of those killed and owners of destroyed property.

II. Summary and Extrajudicial Executions

As the army moved into the towns, they committed numerous summary executions, targeting the families of opposition fighters and activists as well as other civilians. In this report we regard as extrajudicial executions the Syrian security forces' killing of people whom they were detaining or otherwise controlling at the time of the killing and who posed no conceivable threat to them.

Human Rights Watch documented the summary execution of 35 civilians. Most of the victims were young men, but three of the victims in cases documented by Human Rights Watch were children, and several victims were over 60 years old.

Witnesses told Human Rights Watch that security forces detained the men and boys in their homes, and then shot them the head or in the back either inside their homes or in the street nearby.

Human Rights Watch visited three locations where witnesses said that mass executions had taken place and documented bullet marks and/or blood traces on the walls, allegedly from the executions. In three cases documented by Human Rights Watch, witnesses reported that the security forces set the bodies on fire following the executions. Human Rights Watch reviewed a video of the burning of two bodies in one of the cases. In a second case involving the execution of five people, Human Rights Watch examined the room where the bodies had been burned.

While the executions documented in this report were of civilians, we have elsewhere documented the execution of opposition fighters.⁹ Human Rights Watch also interviewed a witness to the likely execution of several opposition fighters in Taftanaz on April 3.

Execution of Three Brothers, Hajj Hussein Family, Sarmeen, March 23

On March 23, government security forces executed 22-year-old Yousef, 24-year-old Bilal, and 26-year-old Talal in Sarmeen. Their mother told Human Rights Watch that her sons stayed in Sarmeen and did not escape because they were construction workers and were never involved with the opposition or the Free Syrian Army (FSA). She said:

⁹ Human Rights Watch, *In Cold Blood*.

On Friday [March 23], the army came to our house at 6 a.m. My oldest son opened the door, and woke up his brothers. There were 7 soldiers, all in uniforms, with a pin on their uniforms showing Maher's portrait [Maher al-Assad, Bashar al-Assad's brother and de-facto commander of the 4th Brigade]. They said they were "from the 4th Brigade, Bashar's men."

They searched the house. Then they grabbed a pair of camouflage pants, and said my sons were with the FSA. I tried to argue with them that everybody has such pants, even my 4-year-old, because that's what available in the market. But they didn't listen. When my sons gave them their identity cards, they didn't look at them. They turned the house upside down, and didn't find anything else, but then they led my three sons out, saying, "We found what we came for." They said they would just question them and bring them back. They also took Bilal's motorcycle away. I tried to run after them, three or four times trying to get out of the door, but the soldiers pushed me back inside.

About an hour later, a neighbor came in and said there was a fire nearby, that the army set some cars and a motorcycle on fire, and the neighbors needed more water. My daughters and I went out with buckets, and then my daughters, who were in front, ran to me, saying that my sons were there as well.

After we extinguished the fire, we found their bodies. Bilal was shot in the middle of his forehead, Yousef behind his ear, and Talal was shot by two bullets, in the head and in the back. Their hands looked like they had been tied behind; the ropes burnt, but the hands were still folded behind. We had to leave them in the street for about 10 hours; the shooting continued and we couldn't take the bodies away. We were only able to bury them after the army left.

I just wish I were killed and didn't live to see that.¹⁰

¹⁰ Human Rights Watch interview, Sarmeen, Syria, April 26, 2012.

Execution of Mohammed Saleh Shamrukh, Saraqeb, March 25

On March 25, the second day of the attack in Saraqeb, government forces executed 25-year-old Mohammed Saleh Shamrukh, an active protestor and chant-leader. Shamrukh's parents told Human Rights Watch that government forces conducted house-to-house searches in their neighborhood around 2 p.m. on March 25, the second day of the attack on Saraqeb. Five people in uniforms went to their neighbor's house, where they found and detained Mohammed. The neighbors later told the parents that the soldiers had said that Mohammed was wanted.

From the neighbor's house, the five soldiers brought Mohammed to his house, where his mother was. She told Human Rights Watch:

The soldiers had handcuffed him behind his back. They didn't hit him in front of me, but I saw that his eye was bruised. I tried to be quiet and nice to the soldiers so that they would release him.

They spent about 15 minutes in the house, asking him about weapons and searching everywhere. I think they were looking for money. I didn't say goodbye so as to not make him sad. He didn't say anything either. When they left, the soldiers said that I should forget him.¹¹

The neighbors said that the soldiers placed Mohammed in an armored personnel vehicle and drove him away. They also said that they recognized one of the five uniformed men as belonging to the Department of Military Intelligence, one of Syria's feared security agencies.

Mohammed's mother went to a house that was occupied by officers shortly after he was detained, begging them to release her son. According to Mohammed's mother, the officers told her to come back the next day to pick him up, but when she did, they had all left.

Three days after the soldiers detained Mohammed, on the morning on March 28, Mohammed's parents received a phone call saying that Mohammed's body was found in the cemetery. According to his father, Mohammed's beard was torn out, one of his legs was broken, and he had been shot in the eye and in the heart.¹²

¹¹ Human Rights Watch interview, Saraqeb, Syria, April 29, 2012.

¹² Human Rights Watch interview, Saraqeb, Syria, April 29, 2012.

Execution of 15-year-old Uday Mohammed al-Omar and his uncle, 21-year-old Saeed Mustafa Barish, Saraqeb, March 26

On March 26 a group of soldiers came to the house of the Barish family in Saraqeb. According to female family members, they searched the house, looking for the men, because many of the family members were known to support the opposition and some had joined the FSA. They only found 15-year-old Uday, but initially did not take him. Then, they proceeded to the neighboring house. “Heba” told Human Rights Watch that her 21-year-old brother, Saeed, was in that house. He was a student in Aleppo University and came back to Saraqeb on March 24, just before the attack started. He was in the market when the shelling began and, along with many other civilians, was injured.

Another female relative, who was present when the soldiers detained Saeed, said that they checked his identification card and tore it, and when they reported on the two way radio that they had captured a member of the Barish family, a man on the other end of the line responded, “Kill him!” The woman said that the soldiers then handcuffed Saeed and started beating him on the head, and on his wounded arm and leg. Heba said:

They brought him to my house. He was on the ground, and they were dragging him by his feet. He was bleeding. I and other sisters screamed, and cried, “This is my brother, he is not with the revolution, he is our most precious thing, we cannot let you kill him!” But the soldiers said, “Give us Mohammed, and we’ll release him.” Mohammed is my other brother, he is with the FSA. We crawled on the ground, kissing their feet, and begging them to let him go. But they just beat us and pushed us away.

And then they told us to bring Uday, my son, again. He didn’t even say anything, just looked at me. I was screaming, and they said, “If you don’t shut up, we’ll kill you,” and pointed a Kalashnikov at my stomach. They said, “If there is nothing on them, we’ll bring them back.” But I said, “We know that you never bring people back; everybody you take, you kill them.” And the soldier said, “Well, then go ahead, tell Al Jazeera about what we did here.” I cried, and screamed, and begged the soldiers to release them, and then I said, “I want God to burn your hearts just as you are burning mine.”¹³

¹³ Human Rights Watch interviews, Saraqeb, Syria, April 29, 2012.

Heba said that the soldiers then led Uday and Saeed out of the house, and set her house, and her mother's house nearby on fire. The women managed to stop the fire in Heba's house, but most of the rooms in the mother's house were burned.

Later that night, Heba said, she heard the people in the neighborhood screaming. She said:

I knew in my heart it was my boys [my son and my brother], that they were killed. I ran out, and about 50 meters from the house there were nine bodies, next to the wall. There were still snipers on the roofs, and we had to move very slowly, using flashlights. I pointed my flashlight at the first body, then the second—it wasn't Uday or Saeed. Then I asked the neighbors to help, and we found them both. Saeed still had his hands tied behind. People later told me that Uday and Saeed were executed there, and the other seven were FSA fighters brought from other places. Uday had a bullet wound in the neck and the back of his head; Saeed in his chest and neck.¹⁴

Heba told Human Rights Watch that during the attack on Saraqeb, her other son and other brother were also killed—they were members of the FSA and died while fighting government soldiers.

Execution of 19 Men and Boys, Ghazal Family, Taftanaz, April 3

"Fadi," one of the surviving members of the Ghazal family, told Human Rights Watch that he managed to escape before the army and *shabeeha* came to his family's house on April 3, the first day of the attack in Taftanaz. He said that when he left, other members of the extended family, mainly women and elderly, and men who have not been involved with the opposition, including three Red Crescent workers, were hiding from the shelling in the basement of the house.¹⁵

A female relative of the victims, who was among those hiding in the basement, told Human Rights Watch:

We were hiding in the basement when we heard people moving in the house around 3:30 p.m. on the first day of the attack. About 20 people

¹⁴ Ibid.

¹⁵ Human Rights Watch interview, Taftanaz, Syria, April 25, 2012.

dressed in civilian clothes took all of us out of the basement and separated the men from the women. They told us that they would just question the men. They made us go back into the basement and then we heard gunfire.¹⁶

Fadi said that when he and other family members returned to the house at around 8 p.m. they found 16 bodies of men and boys, all of whom had been hiding in the basement at the time Fadi left the house:

When we came back, we first found five bodies in a little shop next to the house. They were almost completely burnt. We could only identify them by a few pieces of clothes that were left. Then we entered the house and in one of the rooms found nine bodies on the floor, next to the wall. There was a lot of blood on the floor. On the wall, there was a row of bullet marks. The nine men had bullet wounds in their backs, and some in their heads. Their hands were not tied, but still folded behind.¹⁷

Human Rights Watch researchers were able to observe the bullet marks on the wall. The marks formed a row, about 50 to 60 centimeters above the floor. On the right wall, a splatter of blood stains was still visible. Human Rights Watch obtained the names of all of the victims; two of them were under 18 years old.

Two of the victims were apparently executed by gun shots in the yard at the entrance of the basement where their bodies were later found.¹⁸ According to Fadi, both men used to work at the Syrian Red Crescent. Human Rights Watch saw five holes in the mosquito screen in the window behind where the bodies were found.¹⁹

Witnesses said that the Ghazal family was targeted because many of the family members joined the FSA and some of them had reportedly killed a man from Taftanaz whom they believed to be a spy for the security services.

¹⁶ Human Rights Watch interview, Taftanaz, Syria, April 25, 2012.

¹⁷ Human Rights Watch interview, Taftanaz, Syria, April 25, 2012.

¹⁸ The two men whose bodies were found in the courtyard were 40-year-old Naser Ghazal and 26-year-old Mohhammar Abdollahman Ghazal, both working for the Red Crescent. Human Rights Watch interview, Taftanaz, Syria, April 25, 2012.

¹⁹ The owner of the building had installed new windows and patched the holes from the bullets inside the room when Human Rights Watch examined the scene. Human Rights Watch photos and interview, Taftanaz, Syria, April 25, 2012.

In the neighboring street, a group of soldiers executed 75-year-old Ghassan Ghazal in his home. Ghassan's son told Human Rights Watch that he was not at home when the attack happened, but that other family members had told him what happened.²⁰ According to Ghassan's family, soldiers arrived at their home around 2:30 p.m. on April 3 to check their identification papers. They left after a short while.

A couple of hours later, seven or eight soldiers in uniforms arrived at the house in a tank and entered the house. According to Ghassan's family who overheard the conversation between Ghassan and the soldiers from a neighboring room, the soldiers demanded that Ghassan open his safe. His family heard a gunshot, but they were too afraid to move while the soldiers were there. When the soldiers left, the family discovered that Ghassan had been shot in the back of his head and that the door to the safe was open.

In the early afternoon on April 3, government soldiers executed 52-year-old Ibrahim Ghazal and his 42-year-old brother Omar after detaining them from their home. According to Ibrahim's son, who was home when his father and uncle were detained, 10 or 11 soldiers in uniform entered their house around 12:30 p.m., asking for his father's and uncle's identification documents. When the soldiers saw Ibrahim's documents they said that he was wanted and asked Ibrahim and his brother to come with them.

Later in the evening neighbors called the family, who were hiding in the house because of the large number of government forces and *shabeeha* militiamen in the streets, telling them that Ibrahim and Omar's bodies were lying about 50 meters from the entrance to their house. Ibrahim's son, who saw the bodies, said that both his father and uncle had been shot in the backs of their heads.²¹

Execution of 65-year old Ahmed Jafar, 75-year-old Awad Abd al-Kader, and 36-year-old Iyad Ghoneim, Taftanaz, April 4

On April 4, government forces executed three men and attempted to execute a fourth as they conducted house-to-house searches on the second day of the attack in Taftanaz. Forty-three-year-old Mohammed Ayman Ezz told Human Rights Watch that security forces pushed their way into his house located close to the Al-Kabir mosque in Taftanaz in the

²⁰ Human Rights Watch interview, Taftanaz, Syria, April 28, 2012.

²¹ Human Rights Watch interview, Taftanaz, Syria, April 28, 2012.

morning on April 4. He believed that they were from the Department of Military Intelligence because they wore black ammunition vests over their camouflage uniforms.

After checking his identification papers, the soldiers poured a liquid on the floor, led Mohammed out of the house to the nearby mosque, and burned down his house. Mohammed told Human Rights Watch that the soldiers placed him in an armored car with shooting holes. In the course of the next hour, the soldiers brought three other men to the car: 65-year old Ahmed Jafar, 75-year-old Awad Abd al-Kader, and 36-year-old Iyad Ghoneim. Mohammed told Human Rights Watch:

They took us to a place, but I can't remember it very well. The soldiers might have hit me over the head because I was talking to the others. I can't really remember.

The soldiers placed the four of us facing a wall. They first asked Awad where his armed sons were. When Awad said that he was an old man and that he didn't have any armed sons, they just shot him three times from a Kalashnikov. They then said to Ahmed that apparently 25 years in prison had not been enough for him. When he didn't say anything, they shot him. They then shot Iyad without any questions and he fell on my shoulder. I realized that it was my turn. I said there is no God but Allah and Mohammed is his prophet and then I don't remember anything else.

At some point I regained consciousness and tried to stand up, but I almost fainted and lay down again, putting my head on a rug.²²

Mohammed did not remember much of what happened next. His wife told him that she found him outside their house, about 500 meters from where the executions took place. Mohammad believes that he must have managed to move towards his house. Mohammed had been shot three times in the neck and back of his head. The bullets destroyed his jaw.

Interviews with the owner of the house and a neighbor supported Mohammed's account. The neighbor said that on the second day of the attack in Taftanaz she went to check on her neighbor's house because he was away. She said:

²² Human Rights Watch interview, Antakya, Turkey, April 30, 2012.

I immediately saw the bodies. They were on the floor, face down, next to the wall on the right. Two bodies closer to the window seemed to be of older men, but at that time we didn't know who they were. There were plastic handcuffs on their hands. There was a lot of blood on the floor. I was in shock. I thought I saw the forth body as well, but when we returned the next day, together with the owner, there were only three.²³

The owner of the house confirmed that when he came to the house the day after the army withdrew from Taftanaz, he found three bodies on the ground. He also said that was a trail of blood leading to the door, which made him believe one of victims might have survived and escaped. He said they found seven casings from ammunition for Kalashnikovs on the floor in the room.²⁴

Human Rights Watch examined the room and photographed six bullet holes in the wall about 1.5 meters from the floor, as well as three bullet marks on the floor, with blood stains still visible around them.

Mohammed's wife managed to contact the Red Crescent, which arrived early the next morning and brought him to the hospital in Idlib. Mohammed told Human Rights Watch that all the security agencies in Idlib interrogated him before he received any medical treatment. Since he was not on any of the wanted lists, however, they did not detain him.

Execution of Two Brothers, Place and Date Withheld

In one of the towns (exact location and date withdrawn, and names changed to protect the witnesses), the army executed two brothers: 47-year-old "Ali" and 49-year-old "Hassan," both government employees.

Their relatives who witnessed their detention said that the two men were having lunch in front of their house when the soldiers came there at around 12:30 p.m. on the first day of the military operation in the town. According to the witnesses, the soldiers checked the men's documents, said they were on the "wanted" list, and walked them away on foot.

²³ Human Rights Watch interview, Taftanaz, Syria, April 28, 2012.

²⁴ Human Rights Watch interview, Taftanaz, Syria, April 28, 2012.

Later that afternoon, neighboring residents saw smoke coming from an olive garden, about 100 meters away from the men's house. When the residents, and then the family, arrived there, they found two bodies that had been set on fire and were still smoldering. The bodies were almost completely burned, but the families were able to recognize the men by their faces. The faces were still recognizable because the men were face down on the ground. Based on the witness statements and video footage of the bodies, the men appear to have been shot at close range in the heads by large-caliber weapons; the upper parts of the skulls were cracked open.

The relatives of the two men said that when they went to receive death certificates at the local magistrate, the police insisted that they sign a paper saying that the two men had been killed by "armed groups." Desperate to get the documents, the family agreed.²⁵

²⁵ Human Rights Watch interviews, Syria, April 2012. Exact place and date withheld to protect the witnesses.

III. Other Unlawful Killings of Civilians

Dozens of civilians, many of them women, children, or elderly, were killed or injured as they were trying to flee the attacks on towns and villages. Some were also killed by shelling at the very beginning of the attacks, many of which caught residents by surprise. The examples below suggest that during the attacks, government forces failed to distinguish between combatants and civilians or take necessary precautions to protect the civilian population.

On March 27, just before the army withdrew from Saraqeb, 50-year-old Ezzat Ali Sheikh Dib died when four tank shells hit his house. A female relative, who lived in the adjacent house in the same family compound, said:

The tank was on the main road, just 10 meters away from the house. Suddenly, they fired four shells, one after the other, targeting the house. I was in the house next door, with my mother and six children. We were all thrown into the air by the blast, and for 15 minutes I couldn't see or hear anything.

Then we went into the room that was hit by the shells. One of the walls had a huge hole, some 1.5 meters in diameter, and the opposite wall was completely destroyed. We found Ezzat in the rubble; we could only see his fingers and part of his shoe. It is a miracle that his wife and child were not hurt. They were in the same house, but went to the kitchen when the shells hit.

We took Ezzat out, but couldn't save him. His chest was crushed, and blood was coming out of his mouth and ears.

Then the soldiers came into the house. When they saw what happened, they said that was a mistake and that they thought there was FSA in the house. There has never been any FSA here in our homes. They wanted to take the body away, but Ezzat's brother threw himself on top on his body and said, "If you want to take him, you would have to kill me first." The soldiers then put him against the wall, and fired many rounds from their Kalashnikovs, but only around him, to scare him. Then they gave up, and left.²⁶

²⁶ Human Rights Watch interview, Saraqeb, Syria, April 29, 2012.

In Taftanaz, an elderly couple lost their lives from machine gun fire, and at least one young woman was injured during the attack on April 3.

Seventy-six-year-old Ali Ma'assos and his 66-year-old wife, Badrah, were killed by machine gun fire shortly after the army launched its attack on Taftanaz in the morning on April 3. "Ibrahim," a family member, told Human Rights Watch that he had gathered more than 15 friends and family members, including women and children, in his pick-up truck and that he was just turning out from a narrow street to the main road to Aleppo when he saw a tank about 200 meters away. Ibrahim said that there were no armed men in or anywhere near the car. According to Ibrahim, the car was suddenly hit by machine gun fire. Ibrahim told Human Rights Watch that he was certain that it was the soldiers in the tank who were shooting at them since he could see nobody else in the street.

The bullets hit Badrah who was sitting in the passenger seat in the head and two or three times in the stomach and she died immediately. Ali, who was also sitting in the front, was shot twice in the shoulder and in the throat. He died from his wounds five days later. A 10-year-old girl was hit in her upper thigh, and two other children were wounded by glass and splinters.²⁷

Several of Ibrahim's relatives who were also in the car confirmed the account.²⁸ Ibrahim told Human Rights Watch that they fled into a nearby building, but that the army continued to shoot at everything around them, including the building where they were hiding. Shortly after they hid in the building, the tank drove away.

"Miriam" told Human Rights Watch that her family was asleep in their home in Taftanaz when the shelling started. The family quickly got up, her father went around the village to pick up his daughters and their children and everybody got into a truck to escape from the town. There were five women and ten children in the car, and her father was driving. Miriam said:

As we were getting into the car the helicopters were shooting. There were many cars moving out of town, everybody was trying to escape. We drove for just about two kilometers from the house. Suddenly, I felt that I was

²⁷ Human Rights Watch interview, Taftanaz, Syria, April 25, 2012.

²⁸ Ibid.

shot. The bullet hit me in the left thigh; I was terrified, because I had my baby son on my lap, and the bullet just barely missed his head. There were no tanks around, and no buildings where snipers could hide, so we thought the shooting came from a helicopter.²⁹

Miriam's father brought her to the hospital in a nearby village, but the doctors there could not remove the bullet, which was still in her thigh at the time of the interview.

In Hazano, government forces killed 71-year-old Abd al-Latif Othman Lattuf in his house. The old man stayed in the town during the attack, hoping that the army would not target him. One of his relatives, who also stayed in the town, said that around 10:30 a.m. on April 5 he saw smoke coming out of Lattuf's house, and later on, when the shooting subsided, was able to go there, together with other relatives. He said:

The lock on the door was broken. We entered, and immediately saw his body. It was on the floor, in the room on the right side from the entrance, close to the door. It looked like he had heard something (his hearing was almost completely gone), and came closer to the door, and at that moment the army shot him. He was in his sleeping clothes. There were multiple bullet wounds on his right thigh, and half of his head was blown off. He was clearly shot from a close range. There were some casings and bullets from Kalashnikovs on the floor.³⁰

The relative added that the same day, the soldiers came to his house as well. They stayed in the house during the day and at some point, he said, mentioned the killing of the old man, apologized, and said that he was killed "by mistake."³¹

²⁹ Human Rights Watch interview, Taftanaz, Syria, April 25, 2012.

³⁰ Human Rights Watch interviews, Hazano, Syria, April 27, 2012.

³¹ Human Rights Watch interviews, Hazano, Syria, April 27, 2012.

IV. Burning and Destruction of Houses and Other Property

In all of the towns affected by the attacks, Human Rights Watch observed and photographed numerous destroyed, damaged, and burned houses, shops, mosques, and makeshift hospitals. Local activists also shared with Human Rights Watch detailed documentation they compiled on destroyed, damaged, and burned property in their towns.

According to these documents:

- In Sarmeen, 318 houses and 87 shops were burned or destroyed, in addition to several warehouses, mosques, and pharmacies;
- In Saraqeb, 101 houses were completely or partially burned, 11 houses were completely destroyed, and 46 houses were partially destroyed;
- In Taftanaz, about 490 houses were burned or destroyed;
- In Hazano, 22 houses were completely destroyed, 177 buildings were partially destroyed, and 437 rooms in other houses were burned, in addition to 16 shops;
- In Kelly, 170 houses were burned or destroyed.

In most cases documented by Human Rights Watch, the burning and destruction appeared to be deliberate. The majority of houses that were burned had no external damage, excluding the possibility that shelling ignited the fire. In addition, many of the houses that were destroyed were completely razed, in contrast to those which only appeared to have been hit by tank shells, causing limited, non-structural damage.

Most of the residents whose houses were burned, looted, or destroyed were away from the towns at the time of the attack, but some witnessed the attacks on their property.

When the army launched its attack on Taftanaz on April 4, “Salma” told her husband, “Bassem,” that he should leave the town with their oldest son while she stayed behind with their seven other children, aged between one and eighteen years. “We knew from other towns that the army detain and kill the men and then burn the houses if there is nobody home,” Salma told Human Rights Watch. When soldiers came to their house

around 10 a.m. on April 4 during house-to-house searches and asked Salma about her husband, she told them that he was at work and that she could not reach him. She told Human Rights Watch:

They put a Kalashnikov [assault rifle] to my head and threatened to kill us all if my husband did not come home. The children started crying. Then an officer told a soldier to get petrol and told the children that he would burn them like he would burn their father because he is a terrorist.

When the soldier came back with some sort of liquid—it didn't seem to be petrol—they poured it out in three of the rooms while we were staying in the living room. We wanted to get out of the house, but the soldiers prevented us. My young daughters were crying and begging them to let us go. We were all terrified. Finally, they allowed us to leave the house, but I became even more afraid when I saw all the soldiers and tanks in the street.³²

Salma and her children escaped and hid in another house, about 500 meters down the street. The next day they came back and found out that their house had been burned down. Salma showed Human Rights Watch the house where all of the rooms were burned down to ashes; there was nothing but charred walls left inside.

Bassem told Human Rights Watch that the army had also attacked the houses belonging to his five brothers; one brother's house was burned, while the houses of the four other brothers were destroyed, seemingly by explosives placed inside the house. Human Rights Watch examined one of these houses. The concrete house had collapsed and about three meters of a concrete wall surrounding a school across a narrow street from the house was blown out with debris scattered about 20 meters into the schoolyard. Damage to the house and surrounding buildings was visibly different than damage caused by tank or artillery fire observed on other buildings.

Many other residents found out that their houses had been burned or destroyed only when they returned after the government forces had withdrawn.

³² Human Rights Watch interview, Taftanaz, Syria, April 25, 2012.

“Mustafa,” a government employee from Hazano, said that he fled the town with his family in the beginning of March. He came back to the town several days after the attack. Mustafa said he knew about the attack, but did not know that his house was affected. When he entered his courtyard, Mustafa said, he saw that two main rooms in the house were burned to ashes. At the time of the interview, Human Rights Watch could examine the burned rooms where nothing other than the charred and half-destroyed walls and ceiling was left.

Mustafa believed that the army first looted and then burned the rooms, because both rooms contained valuable items, including electronic equipment, carpets, furniture, and gold.³³

Several people who stayed in the affected towns during the attacks confirmed to Human Rights Watch that the soldiers were looting and then deliberately burning or destroying houses and shops. For example, Mohammed Ayman Ezz from Taftanaz told Human Rights Watch that after the soldiers detained him and put him in the car, he could see the soldiers fire at and vandalize Al-Kabir mosque, and set several houses on fire, including the house of the local sheikh, and a local activist.³⁴ Another witness, from Saraqeb, also said that while he was detained and held for the first seven hours in the bus, he could see the soldiers looting the shops and houses in the neighborhood.³⁵

Witnesses reported that the army also attacked mosques and field hospitals. Human Rights Watch observations on the ground supported that allegation.

In Taftanaz, Human Rights Watch visited Al-Kabir mosque and found it completely vandalized. The minaret and some of the walls were damaged, apparently by tank fire. Inside, the floor was covered in shattered glass, torn carpets, and broken furniture and other objects. All of the walls and ceiling were covered with bullet marks. In Sarmeen, the mosque was significantly damaged by the shelling as well.

In Sarmeen, Human Rights Watch also visited a field hospital destroyed during the attacks. All of the rooms the hospital in Sarmeen were burned, and the equipment inside broken. Doctor Mohammed Tennari, who was running the field hospital, told Human Rights Watch

³³ Human Rights Watch interview, Hazano, Syria, April 27, 2012.

³⁴ Human Rights Watch interview, Antakya, Turkey, April 30, 2012.

³⁵ Human Rights Watch interview, Saraqeb, Syria, April 29, 2012.

that on the first day of the attack the army did not reach the hospital although the shooting came very close, just a dozen meters away. The doctor said that at night the staff managed to evacuate the wounded patients (about 30 to 40 wounded were brought to the hospital during the first day of the attack, both civilians and FSA fighters), but had to leave the dead behind. When the staff returned to the hospital the following day, they found that everything inside was destroyed and they had to establish a new hospital in the town. The walls of the building were intact, suggesting that the fire was not caused by shelling.³⁶

³⁶ Human Rights Watch interview, Taftanaz, Syria, April 25, 2012.

V. Arbitrary Detention, Torture, and Enforced Disappearances

By the time government forces advanced into towns and started conducting house-to-house searches, a significant portion of the male population had fled, fearing detention and execution. Nonetheless, government forces detained dozens of people during the military operations, many of them elderly or disabled. While some have been released, many are still in detention at the time of writing, according to local activists. In most cases, their fate and whereabouts remain unknown, raising fears that they had been subjected to enforced disappearance.

Six released detainees told Human Rights Watch that soldiers and personnel of security agencies tortured and ill-treated them and described conditions in detentions that amount to ill-treatment. In one case, the detainee was not subjected to any serious questioning, suggesting that there was no particular reason for his arrest. They were not informed of the reasons for their arrest, nor of any charges against them, or brought before a judge, making their detention arbitrary.

Human Rights Watch documented the detention of three men older than 70 years old. While one of them was released after a few hours, the other two spent several weeks in detention.

Seventy-three-year-old “Abu Ghassan” told Human Rights Watch that in the early morning the army came to the mosque in one of the affected towns (real name and location withheld to protect the witness). Abu Ghassan said that while he was praying with his 71-year-old brother about 50 soldiers arrived to the mosque, with tanks and other military vehicles, and, after checking his documents, said that he was wanted by the authorities. Abu Ghassan said:

They put me in the car, handcuffed, and kept me there all day, until seven in the evening. I told them, “I am an old man, let me go to the bathroom,” but they just beat me on the face.

Then they brought me to State Security in Idlib, and put me in a 30-square-meter cell with about 100 other detainees. I had to sleep squatting on the floor. There was just one toilet for all of us.

They took me to an interrogation four times, each time asking why some of my family members joined the FSA. I didn't deny it, but said there was nothing I could do to control what my relatives do. They slapped me on the face a lot.³⁷

Abu Ghassan spent 18 days in detention, and then his family managed to buy him out by paying the State Security through a mediator.

Another man from Sarmeen, a 72-year-old shop owner, told Human Rights Watch that he also had been arrested and held by the Department of Military Intelligence in Idlib for 20 days. He was, however, too scared to provide Human Rights Watch with additional details.³⁸

Seventy-seven-year-old "Abu Ali" from one of the affected towns (real name and location withheld to protect the witness) said that the army came to his house at 9 a.m. on the second day of the military operation, asking for weapons and young men. Abu Ali said:

I told them we didn't have any weapons, and my sons worked in restaurants. But they put me on my knees facing the wall, with my hands behind, and pulled my house robe up, over my head. I thought they were going to shoot me. One of the soldiers set the edge of my robe on fire with his lighter, rights next to my ear—I started rubbing it, and heard him tell the other one, "Bring gasoline, let's set him on fire."

Then they led me out [of the house] and put me in the car. Three young men, one of them my relative, saw that the soldiers were torturing me and tried to intervene, but the soldiers arrested them as well. They beat us all, and used an electric stick. They electrocuted me some 20 times. I thought I would die—each time, I would jump and my head hit the ceiling of the car, and my sick heart was beating faster and faster. My nose was bleeding.

The car was a Zil truck, and on the inside of the tent that covered it, it was written in blue paint "Brigade 76" and some names next to it.

³⁷ Human Rights Watch interview, Sarmeen, Syria, April 26, 2012.

³⁸ Human Rights Watch interview, Sarmeen, Syria, April 26, 2012.

They brought me to a checkpoint, some 200 meters away from my house, and there they continued to question and beat me for another four hours. I asked one of the soldiers, “Why are you beating me?” And he said, “It’s because of you, Sunnis, and your FSA that I haven’t been home for seven months.” And he just hit me harder.³⁹

Abu Ali said that he was finally released after an older officer interfered, told the soldiers to stop beating him, and set him free. The young men arrested with him were released as well. Abu Ali showed Human Rights Watch his robe with a burnt-through hole on it, and a scar on his ear from where the burning robe was touching his flesh.

Forty-five-year-old Ahmed Brahim Sabagh from Sarmeen said that he did not leave the town during the attack because both of his legs were broken after a car accident. When Human Rights Watch interviewed him, he was still using a walker. Sabagh said that at around 10 a.m. a joint group of army and security personnel came to his house and, after checking his documents, took him to the Political Security headquarters in Idlib. Sabagh said:

I couldn’t walk because of my broken legs, so they just carried me to their car. In the car they started beating me, especially on the legs, with some heavy metal object.

They brought me to the Political Security and held me there for 14 days, without an interrogation. My legs began to rot, but they refused to bring a doctor. They finally took me for an interrogation, asking why I participated in the protest, and used an electric stick to torture me.⁴⁰

Sabagh said that the interrogators eventually released him after he managed to convince them that he was not against the regime, but kept his identity card, which they claimed to have lost.

“Suleiman,” a 49-year-old man from Saraqeb, told Human Rights Watch that officers from Military Intelligence detained him in the morning on March 25 during house-to-house searches. “I was not on the wanted list, but they arrested me anyway, just to fill their

³⁹ Human Rights Watch interview, Syria, April 2012. Exact location and date withheld to protect the witness.

⁴⁰ Human Rights Watch interview, Sarmeen, Syria, April 26, 2012.

quota,” he told Human Rights Watch. According to Suleiman, the soldiers detained five people from his street.

The officers placed the detainees in a bus where they spent seven hours before being brought to the Military Intelligence Department in Idlib city. They took Suleiman to a corridor on the first floor, apparently because the underground detention facilities were already full. Suleiman told Human Rights Watch:

The conditions were horrible. It was so crowded that we had to sleep while sitting. This was the first time in my life I saw fleas; they were everywhere. The toilet was constantly flooded. They gave us one loaf each day and something that they called yoghurt and jam, but the bread was so stale that it was impossible to eat it. I had no bowel movement for the entire time I was there because I was not able to eat the food they gave us.⁴¹

The Military Intelligence Department kept Suleiman in detention for 21 days, during which he said he lost 20 kilograms. According to Suleiman, the officers did not question him at all until he asked them to do so because he was sick.

While Suleiman said that he was not beaten or tortured in detention—he attributed this to his age, his membership in a pro-government party, and his good rapport with the officers—he nonetheless saw and heard that the officers were beating and torturing other people. He told Human Rights Watch:

There were five officers there who were particularly bad. I was staying next to the room where they used to torture the detainees. I could hear their screams and when they were being thrown against the door.⁴²

⁴¹ Human Rights Watch interview, Saraqeb, Syria, April 29, 2012.

⁴² Ibid.

VI. Applicability of International Humanitarian Law

In certain areas of Syria, including Idlib governorate, the situation on the ground appears to constitute an armed conflict of non-international character, and thus would be governed by international humanitarian law (IHL), also known as the laws of war.

The applicability of IHL to a conflict situation that involves non-state actors (such as the opposition forces in Syria), is determined by two key factors: the intensity (which usually includes the protracted nature) of the conflict and the level of organization and command control of the non-state party.⁴³ In order to be recognized as a party to a non-international conflict, an armed group should have “minimum degree of organization and discipline – enough to enable them to respect international humanitarian law.”⁴⁴ In other words, it should be “an organization capable, on the one hand, of planning and carrying out sustained and concerted military operations, and on the other, of imposing discipline in the name of a de facto authority.”⁴⁵

Given the prolonged nature of the conflict, the nature of the weapons used, and the number of casualties, the situation in some parts of Syria appears to meet the intensity requirement, at least until the ceasefire came into force. The armed opposition forces, often referred to as the Free Syrian Army, at least in some parts of Syria appear to also meet the organization test. According to Human Rights Watch research in Idlib governorate, in most towns there, the FSA fighters (including army defectors and civilians volunteers) appeared to be well-organized—they were able to set up defense positions before the attacks, plan and carry out their own attacks against the Syrian forces, withdraw from towns in a fairly organized manner, and manned checkpoints controlling movement in and out of the areas under their control. Their actions, according to the FSA members and other witnesses interviewed by Human Rights Watch, have been coordinated by local military councils that also maintained communication and coordination with military councils in other towns.

⁴³ See generally the discussion of the applicability of international humanitarian law to non-state armed groups in International Committee of the Red Cross (ICRC), *Customary International Humanitarian Law* (Cambridge, UK: Cambridge University Press, 2005), pp. 497-98.

⁴⁴ J. Pictet (ed.), *Commentary* (Fourth Geneva Convention), ICRC, Geneva, 1958, pp. 35 ff.; and Y. Sandoz, C. Swinarski, B. Zimmerman (eds.), *Commentary on the Additional Protocols to the Geneva Conventions*, Martinus Nijhoff, Dordrecht/ICRC, Geneva, 1987, pp. 1348 ff.

⁴⁵ Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 1125 U.N.T.S. 609, entered into force December 7, 1978.

International humanitarian law imposes upon parties to a conflict legal obligations to reduce unnecessary suffering and protect civilians and other non-combatants, including those *hors de combat*, such as prisoners. All armed forces involved in the hostilities, including non-state armed groups, must abide by international humanitarian law. Internal armed conflicts are governed by article 3 common to the four Geneva Conventions of 1949 (Common Article 3), as well as customary international humanitarian law.⁴⁶

International human rights law, including the International Covenant on Civil and Political Rights (ICCPR), also continues to be applicable during armed conflicts.⁴⁷ These treaties guarantee all individuals their fundamental rights, many of which correspond to the protections afforded under international humanitarian law including the prohibition on torture, inhuman and degrading treatment, nondiscrimination, and the right to a fair trial for those charged with criminal offenses.⁴⁸ It also includes the basic freedom from arbitrary detention.

The fundamental tenets of international humanitarian law are “civilian immunity” and “distinction.” While humanitarian law recognizes that some civilian casualties are inevitable, it imposes a duty on warring parties at all times to distinguish between combatants and civilians, and to target only combatants and other military objectives. Civilians lose their immunity from attack when and only for such time that they are directly participating in hostilities.

Civilian objects, which are defined as anything not considered a military objective, are also protected. Direct attacks against civilian objects, such as homes, businesses, places of

⁴⁶ Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, adopted August 12, 1949, 75 U.N.T.S. 31, entered into force October 21, 1950; Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, adopted August 12, 1949, 75 U.N.T.S. 85, entered into force October 21, 1950; Geneva Convention relative to the Treatment of Prisoners of War, adopted August 12, 1949, 75 U.N.T.S. 135, entered into force October 21, 1950; Geneva Convention relative to the Protection of Civilian Persons in Time of War, adopted August 12, 1949, 75 U.N.T.S. 287, entered into force October 21, 1950; Convention (IV) Respecting the Laws and Customs of War on Land and the Annexed Regulations Concerning the Laws and Customs of War on Land of 18 October 1907 (Hague Regulations), 3 Martens Nouveau Recueil (ser. 3) 461, 187 Consol. T.S. 227, entered into force January 26, 1910. While Syria is not a party to the Second Additional Protocol that applies to non-international armed conflict, some of the Protocol's provisions are widely recognized as part of international customary law.

⁴⁷ International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16 at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force March 23, 1976. See the 2005 ruling of the International Court of Justice in *'Armed Activities on the Territory of the Congo' (Democratic Republic of the Congo v. Uganda)*.

⁴⁸ While in a time of war or public emergency restrictions on and derogations from many of these rights are permitted (for example, restrictions on freedom of assembly and right to privacy), such restrictions are limited to those strictly required by the necessity of the situation and which are compatible with obligations under international humanitarian law.

worship, schools, and cultural monuments are prohibited, unless and only for such time as the objects are being used for military purposes such that they can be military objectives. Hospitals and other medical units must be protected in all circumstances unless the unit is being used, outside its humanitarian functions, to commit acts ‘harmful to the enemy.’

Also prohibited are attacks that violate the principle of proportionality. Disproportionate attacks are those that are expected to cause incidental loss of civilian life or damage to civilian objects that would be excessive in relation to the concrete and direct military advantage anticipated from the attack.

Humanitarian law requires that the parties to a conflict take constant care during military operations to spare the civilian population and "take all feasible precautions" to avoid or minimize the incidental loss of civilian life and damage to civilian objects. These precautions include doing everything feasible to verify that the objects of attack are military objectives and not civilians or civilian objects, and giving “effective advance warning” of attacks when circumstances permit.

International humanitarian law does not prohibit fighting in urban areas, although the presence of civilians places greater obligations on warring parties to take steps to minimize harm to civilians. Forces deployed in populated areas must avoid locating military objectives near densely populated areas, and endeavor to remove civilians from the vicinity of military objectives. At the same time, the attacking party is not relieved from the obligation to take into account the risk to civilians on the grounds that it considers the defending party responsible for having located legitimate military targets within or near populated areas.

With respect to persons within the control of a belligerent party's forces, humanitarian law requires the humane treatment of all civilians and captured combatants. It prohibits violence to life and person, particularly murder, mutilation, cruel treatment, and torture.⁴⁹ It is also unlawful to commit rape and other sexual violence; to carry out targeted killings of civilians, including government officials and police, who are not participating in the armed conflict; and to engage in pillage and looting.⁵⁰ Article 147 of the Fourth Convention

⁴⁹ See generally, Article 3 common to the four Geneva Conventions of 1949, which is binding on all parties to a non-international armed conflict.

⁵⁰ See, for example, ICRC, *Customary International Humanitarian Law*, “Fundamental Guarantees,” rules 87-105.

holds that “extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly” is a grave breach.

Given their particular vulnerability, children are afforded special protections under the Geneva Conventions. Rule 135 of the ICRC rules of customary international humanitarian law states, “Children affected by armed conflict are entitled to special respect and protection.”

Serious violations of international humanitarian law can constitute war crimes under international law. These include grave breaches of the Fourth Geneva Convention, including willful killing, torture and inhuman treatment, and willfully causing great suffering or serious injury to body or health.⁵¹ Individuals will be criminally responsible for war crimes they commit or are otherwise implicated in, including through aiding and abetting, facilitating, ordering, or planning the crimes.⁵²

Commanders and civilian leaders may be prosecuted for war crimes committed by their subordinates as a matter of command responsibility when they knew or should have known about the commission of war crimes or serious violations of human rights and took insufficient measures to prevent them or punish those responsible.

States have an obligation under the Geneva Conventions and customary humanitarian law to investigate alleged war crimes committed by their nationals and members of their armed forces, or which were committed on territory that they control, or where they otherwise have jurisdiction and, where appropriate, prosecute the suspects. States parties to the Geneva Conventions are required to establish universal jurisdiction in their laws for war crimes that amount to grave breaches⁵³

⁵¹ Fourth Geneva Convention, article 147.

⁵² See ICRC, *Customary International Humanitarian Law*, rule 151.

⁵³ See ICRC, *Customary International Humanitarian Law*, rule 158.

Recommendations

To the UN Security Council

- Ensure that the UN Supervision Mission in Syria (UNSMIS) includes a properly staffed and equipped human rights component able to safely and independently interview victims of human rights abuses, including those documented in this report, while protecting them from retaliation;
- Refer the situation in Syria to the International Criminal Court (ICC);
- Adopt targeted sanctions on officials shown to be implicated in abuses;
- Require states to suspend all military sales and assistance, including technical training and services, to the Syrian government, given the real risk that the weapons and technology will be used in the commission of serious human rights violations;
- Demand that Syria cooperate fully with the UN Human Rights Council Commission of Inquiry and with the UN supervision mission; and
- Demand access for humanitarian missions, foreign journalists, and independent human rights organizations.

To All Countries

- Acting individually, or jointly through regional mechanisms where appropriate, adopt targeted sanctions against Syrian officials credibly implicated in the ongoing serious violations of international human rights law;
- Under the principle of universal jurisdiction and in accordance with national laws, investigate and prosecute members of the Syrian senior military and civilian leadership suspected of committing international crimes; and
- Call for a referral to the ICC as the forum most capable of effectively investigating and prosecuting those bearing the greatest responsibility for abuses in Syria.

To the Arab League

- Acting individually and jointly, maintain and strengthen targeted sanctions against Syrian officials credibly implicated in the ongoing grave, widespread, and systematic violations of international human rights law in Syria since mid-March 2011;

- Support the deployment of a strong UN supervision mission; and
- Call for the UN Security Council to refer the situation in Syria to the ICC.

To Russia and China

- Support a strong human rights component to UNSMIS (as described in the recommendations above);
- Suspend all military sales and assistance to the Syrian government, given the real risk that weapons and technology will be used in the commission of serious human rights violations; and
- Condemn in the strongest terms the Syrian authorities' systematic violations of human rights.

To the Syrian Government

- Immediately stop and condemn summary and extrajudicial executions by the security forces and pro-government militias;
- Provide immediate and unhindered access to and cooperate fully with the UN supervision mission;
- Provide immediate and unhindered access and cooperation to independent observers, journalists, and human rights monitors, including the UN special rapporteur on extrajudicial, summary, or arbitrary executions; the Office of the High Commissioner for Human Rights; the UN Human Rights Council Commission of Inquiry on Syria; and the special rapporteur on Syria;
- Conduct prompt, thorough, and objective investigations into allegations of summary and extrajudicial executions, including the ones described in this report, and bring the perpetrators to justice;
- Suspend members of the security forces against whom there are credible allegations of human rights abuses, pending investigations; and
- Annul Legislative Decree No. 14, of January 15, 1969, and Legislative Decree 69, which provide immunity to members of the security forces by requiring a decree from the General Command of the Army and Armed Forces to prosecute any member of the internal security forces, Political Security, and customs police.

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As the United Nations special envoy Kofi Annan was negotiating with the Syrian government an end to the fighting in Syria in late March 2012, government forces launched a series of large-scale attacks against opposition-controlled towns in the northern part of Idlib governorate, near the Turkish border. Between March 22 and April 6, government forces killed at least 95 civilians in five towns, burned, destroyed and looted hundreds of houses and stores, and arbitrarily detained dozens of people, most of whom remain in detention to date. At least 35 of the killed civilians were executed when detained or otherwise under the control of government forces.

“They Burned My Heart” is based on interviews with victims and witnesses conducted in five towns in Syria that came under attack during the two-week long military operation. It contains detailed descriptions of the attacks, including several incidents of mass executions.

Human Rights Watch called on the UN Security Council to ensure that the UN supervisory mission deployed to Syria includes a properly staffed and equipped human rights component able to safely and independently interview victims of human rights abuses documented in this report, while protecting them from retaliation. Human Rights Watch also called on the UN Security Council to ensure accountability for these crimes by referring the situation in Syria to the International Criminal Court.

(above) Children playing in the ruins of houses in the town of Kelly destroyed by Syrian government forces during an attack on April 5 and 6. According to local residents, the houses belonged to people who were active in demonstrations.

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(front cover) A man is overcome with grief in front of a destroyed mosque in Taftanaz where local residents gathered those killed after government forces attacked the town on April 3 and 4. According to local activists, at least 65 people were killed during the two-day attack.

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