

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	741
Land:	Syrien
Kilde:	Amnesty International
Titel:	We leave or we die. Forced displacement under Syria's reconciliation agreements
Udgivet:	13. november 2017
Optaget på baggrundsmaterialet:	8. december 2017



‘WE LEAVE OR WE DIE’

FORCED DISPLACEMENT UNDER SYRIA’S ‘RECONCILIATION’ AGREEMENTS

**AMNESTY
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First published in 2017

by Amnesty International Ltd

Peter Benenson House, 1 Easton Street

London WC1X 0DW, UK

Index: MDE 24/7309/2017

Original language: English

amnesty.org



Cover photo: Buses parked in government-controlled area of Ramouseh in Aleppo, Syria, wait to evacuate civilians and rebel fighters from eastern Aleppo, 15 December 2016. © Omar Sanadiki/Reuters.

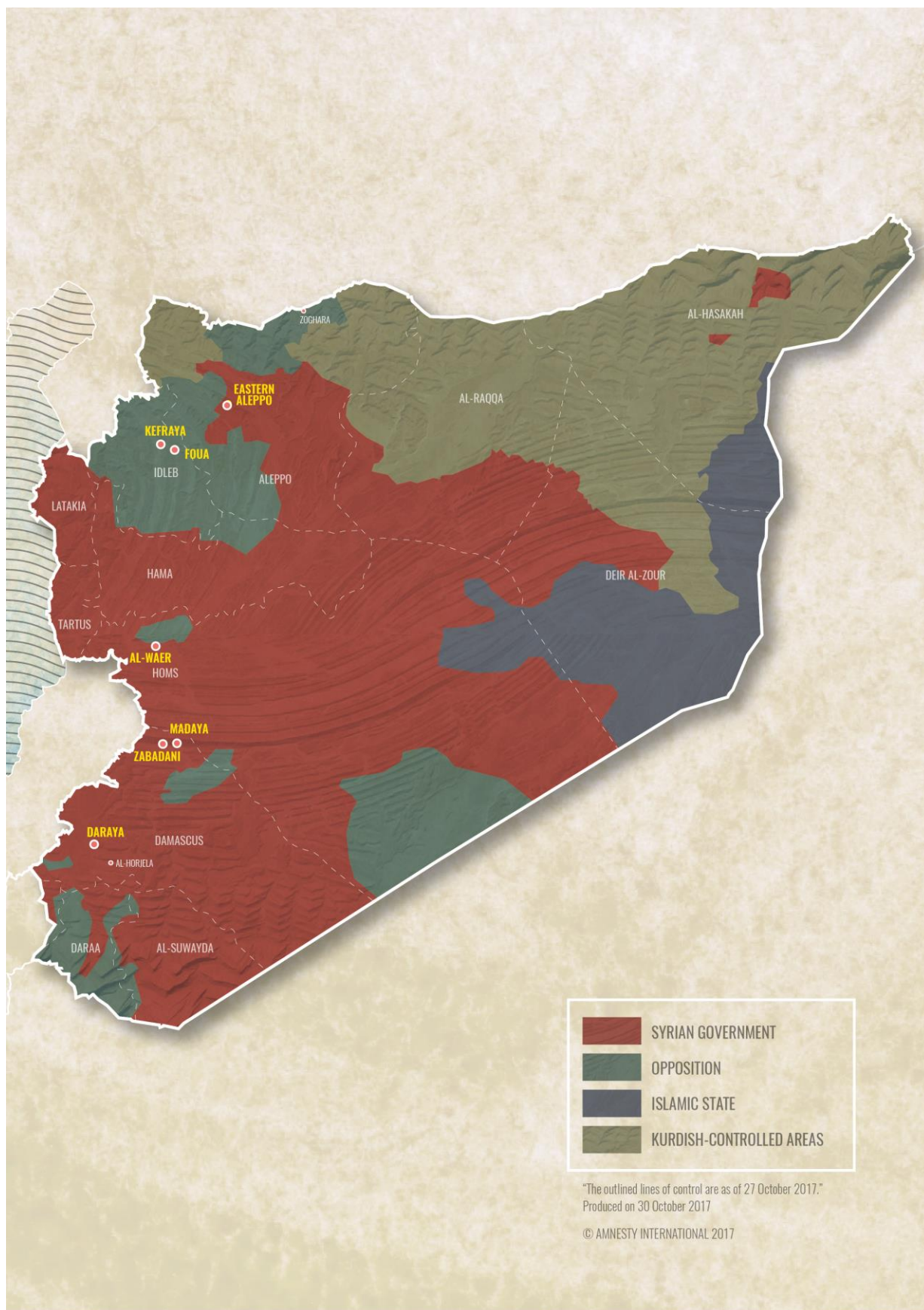
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1. EXECUTIVE SUMMARY

“When we talk about an ‘agreement’, in reality there was no agreement at all; it was either we leave or we die.”

Activist from Daraya

Local agreements have increasingly become one of the Syrian government’s key strategies to force the opposition’s surrender. The agreements are presented by the government and its allies as a “reconciliation” effort, but, in reality, they come after prolonged unlawful sieges and bombardment and typically result not only in the evacuation of members of non-state armed groups but also in the mass displacement of civilians. In essence, the deals have enabled the government to reclaim control of territory by first starving and then removing inhabitants who rejected its rule. The population transfers on the now-infamous green buses have come to symbolise the dispossession and defeat.

These agreements must be viewed in the context of the myriad of international humanitarian law violations and human rights abuses preceding, during, and after their implementation. The conflict in Syria has caused immense suffering to civilians, leaving tens of thousands killed and displacing half of the pre-war population inside and outside the country. Millions are in need of humanitarian assistance, including the more than 500,000 people who remain trapped in besieged areas. All parties have committed serious violations and crimes under international law, with government forces responsible for the majority of crimes and abuses.

Over the past five years, the Syrian government and, to a lesser degree, armed opposition groups have enforced sieges on densely populated areas, depriving civilians of food, medicine and other basic necessities in violation of international humanitarian law. Besieged civilians have further endured relentless, unlawful attacks from the ground and the air. The systematic use of this policy by the government has become widely referred to, including by the United Nations (UN), as a “surrender or starve” strategy.

Amnesty International has examined in detail four local agreements concluded between the Syrian government and armed opposition groups as a result of this coercive military strategy, and documented associated violations dating back to 2012. Three of the agreements were negotiated and implemented under the auspices of international sponsors such as Russia and Iran. Reached between August 2016 and March 2017, the agreements led to the displacement of thousands of residents from the following areas: Daraya, eastern Aleppo city, al-Waer, Madaya, Zabadani, Kefraya, and Foua. While there are some differences between the agreements, they have all been preceded by a pattern of sieges and bombardments and followed by mass displacements.

Amnesty International researchers conducted this research between April and September 2017, interviewing 134 people, including displaced residents who lived through the siege and attacks, international humanitarian workers and experts, journalists and UN officials with knowledge of relevant events. The interviews were conducted either in person or by phone, email or online chat and messaging applications. In addition, Amnesty International reviewed dozens of videos and analysed satellite imagery in order to assess consistency with witness accounts. In October 2017 Amnesty International sent letters to the Syrian and Russian governments, as well as the armed group called the Ahrar al-Sham Islamic Movement, requesting clarifications regarding the allegations raised in this report. At the time of publication there had been no

response from the Syrian or Russian government. The Ahrar al-Sham Islamic Movement replied in a letter dated 29 October 2017.

Amnesty International's findings provide evidence that the Syrian government systematically subjected civilians in Daraya, Madaya, eastern Aleppo city, and the al-Waer neighbourhood in Homs city to unlawful sieges, arbitrarily restricting access to humanitarian and medical aid indispensable for the survival of civilians. Furthermore, the government conducted air and ground assaults on civilians and civilian objects such as hospitals, markets and residential buildings, killing and injuring hundreds of civilians, based on documentation by local monitoring groups. The figure is likely higher; it has been difficult to document casualty figures during the conflict. These assaults constituted either direct attacks against civilians and civilian objects or indiscriminate attacks in densely populated areas. They therefore violated international humanitarian law and, in many cases, amounted to war crimes.

The evidence also shows that armed opposition groups unlawfully besieged Kefraya and Foua, arbitrarily restricting access to humanitarian and medical aid and confiscating medical supplies from aid convoys. They shelled civilian areas using explosive weapons with wide area effects in what amounted to indiscriminate attacks, killing and injuring hundreds of civilians. These attacks violated international humanitarian law and, in many cases, amounted to war crimes.

After years of sieges and bombardment, civilians from these areas were either ordered to evacuate or the actions of the government compelled them to surrender. Many told Amnesty International they had no choice and recounted bitter moments of scrambling to leave their homes with minimal belongings. In most instances this displacement was not carried out for civilians' security or an imperative military necessity. That means it violated the prohibition of forced displacement under international humanitarian law, amounting to a war crime. Furthermore, Amnesty International has concluded that the sieges, unlawful killings and forced displacement by government forces are part of a systematic as well as widespread attack on the civilian population, therefore constituting crimes against humanity.

Thousands of civilians forcibly displaced by these agreements are now suffering dire conditions; some are living in makeshift camps with minimum access to humanitarian aid and essential services, while others are struggling to cover their rent and other expenses such as water and electricity. The vast majority of them are unable to return to their homes. Meanwhile, the Syrian government is pressing ahead with measures that include requiring security checks for land and property transactions, seizing the homes of some of those displaced, and replacing old records, making it hard to prove ownership rights or to demand remedies. Furthermore, the government is undertaking controversial reconstruction plans that may alter several affected areas in the absence of their original inhabitants, undermining those displaced inhabitants' right to return.

DARAYA

In November 2012, the Syrian government imposed a siege on an estimated 7,000 people living in the Damascus suburb of Daraya after non-state armed groups established a presence there. Daraya's population had been decimated after tens of thousands fled as a result of attacks by government forces earlier in 2012, including a three-day killing spree in August that was characterised by the UN-appointed Independent International Commission of Inquiry as a "massacre".

The siege lasted for four years during which civilians were starved, causing some to resort to eating grass. The government unlawfully blocked or arbitrarily restricted access to basic necessities, including food, water, medicine, electricity, fuel, and communications, leading to a state of affairs described by a former resident who spoke with Amnesty International as "Stone Age-like conditions". The situation was compounded by the military's scorched-earth tactics of burning fields, which Amnesty International was able to verify through satellite imagery analysis that showed a massive decrease in agriculture over the years and an obvious dead zone around Daraya. The Syrian government also repeatedly refused to allow UN humanitarian aid convoys to enter Daraya except on two rare occasions two months before the city was fully evacuated. A 34-year-old teacher who ran an underground school as a substitute for the closed public schools described to Amnesty International the impact of the siege, saying:

During the last period [of the siege], it became very hard for students to focus... They had lost a lot of weight. There was this boy who was so sharp when I first met him as a five-year-old in 2014. By the time we were leaving in [August] 2016, he was unrecognizable. He was like a dead body with open eyes... He was no longer able to write although he used to be a very bright student. Hunger really took its toll on them. It was the hardest thing to see these little boys so skinny, so weak... It broke our hearts listening to their stories – one time one of the boys said he wished he would die like his father so he could finally

get to eat in heaven... When we asked them to draw their favourite things, a seven-year-old boy split the page in two: on one side there were shops, fruits and vegetables; the other side was empty. The first was Damascus, the second was Daraya, he said.

Government forces carried out indiscriminate attacks on civilians and civilian objects, using a variety of weapons such as barrel bombs and incendiary weapons and targeted key facilities, including Daraya's sole hospital, which was rendered unusable shortly before the city was depopulated. According to former residents, the number and intensity of government attacks increased significantly in the final months of the siege. Satellite imagery and videos reviewed and analysed by Amnesty International show the significant damage the city sustained over the years.

On 26 and 27 August 2016, the entire city's remaining population – estimated to be between 2,500 and 4,000 – was evacuated under a local deal between the government and a committee representing Daraya's civilians and fighters. Mediated by a Syrian state television presenter, the agreement did not give armed groups or civilians any other option but to leave the city to rebel-held Idlib or a government evacuation centre near Damascus. This displacement was not ordered for civilians' own security or imperative military reasons as required by international humanitarian law.

Government forces were seen looting homes and properties after the evacuation. Former residents who were displaced to the rebel-held areas are struggling to make ends meet. Scattered around different parts of Idlib governorate, including Idlib city and camps in rural areas, they are largely dependent on aid. As for those who evacuated to the government shelter, some of them do not seem to have been spared retribution as the agreement stipulated. Instead, despite undergoing a security screening, a number of these evacuees, mostly women and children, have been arrested at checkpoints in the Damascus suburbs when they have moved around or tried to travel.

Meanwhile, Daraya continues to lie in ruins. Some former residents are worried they may not be able to prove their property rights due to the destruction and loss of documents. There are also concerns that the city's inclusion in a 2012 "urban planning" decree, whose stated goal is to redevelop informal settlements in the Damascus area, may render some evacuees permanently displaced.

ALEPPO CITY

Between 2012 and 2016 Aleppo city witnessed four years of intense fighting between the Syrian government and armed opposition groups, during which the city was divided into two parts: the eastern part was controlled by armed opposition groups and the western part by the government. On 7 July 2016, the Syrian government began to besiege eastern Aleppo city, trapping its estimated 250,000 to 275,000 people, the vast majority civilians, and restricting their access to food, medicine and other crucial supplies.

Syrian and Russian government forces carried out attacks on civilians and civilian objects using air-delivered munitions, internationally banned cluster munitions and incendiary weapons. The attacks targeted populated neighbourhoods, striking residential buildings, markets and hospitals, inside the city and far away from the front lines and with no military objectives in the vicinity. Satellite imagery and videos reviewed and analysed by Amnesty International illustrate the scale of destruction over the period of the siege.

A mother whose four-year-old daughter was killed on 14 October 2016 and whose husband was detained by government forces in 2012 before their daughter's birth described the pain of her loss to Amnesty International: "I have lived all my life in Aleppo city... I lost [my daughter]... A bomb fell in front of the building where she was playing. I can't remember the last words she told me... I lost her just like that for nothing... absolutely nothing. I wish I had died with her."

The deterioration of humanitarian conditions and the relentless bombardment compelled armed opposition groups to eventually succumb and negotiate with the Syrian government. The negotiations began in early December 2016 and were conducted remotely between the Ahrar al-Sham Islamic Movement and a Russian representative. On 13 December, an agreement was reached between the parties involving the evacuation of all armed group fighters to the north of Aleppo governorate. While civilians were not ordered to leave under the terms of the agreement, the vast majority of the estimated 37,000 residents at the time chose to evacuate due to the horrors to which they had been subjected in the preceding months as well as scepticism over the government's promises of safety. Despite the evidence of its role in this deal, in its response to Amnesty International, the Ahrar al-Sham Islamic Movement denied that it had participated in any negotiations or signed any agreements with the Syrian government.

The agreement was breached twice. The first time was on 15 December 2016 when a convoy transferring ill and wounded people was subjected to indiscriminate shooting allegedly carried out by pro-government forces, injuring three people. The next day, pro-government forces blocked a convoy transferring civilians and opposition fighters from continuing its journey, ordered scores of men to step out of the buses and cars, separating them from the women and children, and forced them to lie on their stomachs facing the road. The pro-government forces first fired in the air then shot at the men, killing and injuring several of them.

According to former residents of eastern Aleppo city who were displaced to Aleppo and Idlib governorates, they continue to live in very difficult circumstances due to the limited access to humanitarian aid and the lack of employment opportunities. The vast majority of former residents of eastern Aleppo city interviewed by Amnesty International are paying for rent, water and other services, while others have found families to host them. According to journalists who visited Aleppo city in 2017, reconstruction of the Old City has begun while the rest of the neighbourhoods still lie in ruins.

AL-WAER

The government's siege on the Homs city neighbourhood of al-Waer began in October 2013 at a time when armed opposition groups in Homs city were at the centre of fighting with the government. The movement of the majority of al-Waer's estimated 70,000-100,000 residents was restricted, and so was access to food, medicine and fuel. Even students and civil servants who were allowed in and out of the neighbourhood were often harassed at checkpoints and sometimes detained. The siege gradually worsened, particularly in 2016, during which bread was completely prevented from entering, prompting besieged residents to grind grains they received in aid parcels to make the crucial food staple. Al-Waer's residents ended up becoming heavily dependent on intermittent deliveries of aid, which fell short of covering the population's needs.

At the same time, Syrian government air and ground attacks targeted residential neighbourhoods, medical facilities, even striking a playground. One of the earliest of those attacks struck the main hospital in the neighbourhood: in November 2013, a surface-to-surface government rocket hit al-Walid Hospital, killing 12 people, including eight medics. Amnesty International reviewed open source videos of attacks during the last year of the siege and found that they aligned with witness testimony about air strikes in densely populated quarters, the destruction in residential areas, and the impact on civilians, including children who sustained burns due to the use of incendiary weapons. A final month-long, intensified assault on al-Waer that began on 7 February 2017 ultimately pushed it towards surrender.

A negotiating committee representing al-Waer's civilians and fighters began to engage in talks with the government from mid-2014, leading to a multi-stage agreement in December 2015 and on-off "truces" during 2015 and 2016. That 2015 agreement saw the beginning of the evacuation of fighters from al-Waer, but it fell apart in late 2016. In March 2017, a Russian-sponsored deal brought the district back under government control and resulted in the staggered evacuation of 20,000 residents, including all remaining fighters. Although the government did not explicitly order civilians to evacuate, those who left insisted that the actions of the government compelled them to do so. They said they feared retaliation if they stayed, and cited previous examples of detentions and disappearances following similar agreements in Homs and elsewhere.

"The regime has no credibility," said a 27-year-old former resident who left to northern Aleppo governorate with his pregnant wife, mother, and extended family. "We know this regime's brutality full well... We saw the massacres they carried out in Old Homs. We saw how even those who signed 'settlements' are still missing... They [government forces] make no distinction between fighters and civilians, nor do they spare women, children or the elderly." Activists reported that at least five people who did not evacuate and remained in al-Waer after it came under government control were arrested for unknown reasons. Many evacuees also said they left to avoid being forced to serve in the Syrian army.

The evacuations took place from 18 March to 21 May. Twelve batches of evacuees headed to three opposition-held destinations: the north of Aleppo governorate, the north of Homs governorate, and Idlib governorate. Many evacuees are scattered between makeshift settlements and tent encampments that lack basic necessities. Some of the most challenging humanitarian conditions are being experienced by the estimated 7,500 displaced persons living in Zoghara camp in north-eastern Aleppo governorate. Poor conditions in the camp prompted an estimated 600 people to ask the government to go back to al-Waer. They were allowed to return to their homes. At the time of writing there had been no reports of returnees being arrested, but they must submit to military service according to the law.

Thousands of others say returning is not an option for them as they remain concerned about possible future detentions and forced conscription. Land and property rights remain a major concern for many displaced

persons who fear the impact of reconstruction projects in their absence. The government has also seized the homes of some displaced persons after they left because they were labelled as “wanted”, further throwing into question their ability to ever return.

‘FOUR TOWNS’

Several armed opposition groups, primarily Hay’at Tahrir al-Sham and the Ahrar al-Sham Islamic Movement, began to besiege Kefraya and Foua, two adjacent, predominantly Shi’a towns in Idlib governorate, in March 2015. Some 400km away, Syrian government and allied forces started to besiege Madaya and Zabadani, in the governorate of Damascus Countryside, in July 2015. The deteriorating humanitarian conditions in these besieged towns were compounded by tit-for-tat attacks on civilians and civilian objects by all sides.

Residents of the four towns became a bargaining chip, their fate used as leverage in achieving strategic interests during negotiations between the parties to the conflict. Satellite imagery and videos reviewed and analysed by Amnesty International illustrate the scale of destruction over the years. While the Ahrar al-Sham Islamic Movement’s response to Amnesty International rejected claims that the armed opposition groups in the area of Kefraya and Foua had blocked access to humanitarian aid and supplies of basic necessities, there is strong evidence to the contrary.

A teacher from Madaya described to Amnesty International the state of constant fear they lived in: “We used to follow the news all day and all night. We wouldn’t leave our homes when we read that someone had died in Kefraya and Foua from the shelling. If you had injured people in Kefraya and Foua, it meant we would have injured people as well. The snipers would get active every time there was an attack on Kefraya and Foua.” A nurse from Foua described the same situation: “Every time the Syrian government attacked a place, we would be attacked. If [the planet] Mars was attacked, Kefraya and Foua would be attacked. The armed groups released their frustration and tension on us every chance they got.”

In March 2017, parties to the conflict reached an agreement under the auspices of foreign governments, including Iran and Qatar. The agreement, which was known as the “four towns” deal and meant to lift the sieges, stipulated the complete evacuation of fighters and civilians from Kefraya and Foua, as well as the evacuation of fighters from Madaya, Zabadani and Yarmouk, a Palestinian camp inside Damascus besieged by the Syrian government. The Syrian government and allied forces lifted their siege on Madaya and Zabadani following the evacuation of fighters and civilians in April 2017. However, the evacuation of fighters from Yarmouk faltered a month later. By then, only 8,000 out of the 16,000 civilians and fighters in Kefraya and Foua had been evacuated; the process stopped and Hay’at Tahrir al-Sham and the Ahrar al-Sham Islamic Movement continue to besiege the two towns. Prior to this agreement, other ceasefire deals were negotiated between parties to the conflict but none of them ended the siege or hostilities.

On 15 April 2017, a day after the evacuation of the four towns started, a car explosion targeting a convoy leaving Kefraya and Foua, which was awaiting transfer from the opposition-held Rashidin neighbourhood of Aleppo to a government-controlled area, killed 125 people, including 67 children, and wounded 413 others. Several people, including children, remain missing following the explosion.

The Syrian government provided displaced families from Kefraya and Foua with financial assistance to cover rent and other expenses but has not informed the families for how long the assistance will continue. People displaced from Madaya have not been compensated by the government and have had to cover their own rent and other expenses or rely on local humanitarian organisations.

RECOMMENDATIONS

The Syrian government and armed opposition groups have failed to comply with UN Security Council Resolutions 2139 and 2165, adopted in 2014. Resolution 2139 demanded that all parties to the conflict cease unlawful attacks on populated areas, sieges, arbitrary detention, abduction, torture and enforced disappearances and Resolution 2165, adopted four months later, authorised the delivery of humanitarian aid across borders and conflict lines by the UN and its implementing partners. The Syrian government and armed opposition groups continue to maintain sieges, restrict access to humanitarian aid, and carry out deliberate attacks on civilians and civilian objects and indiscriminate and disproportionate attacks. Amnesty International calls on the UN Security Council to adopt measures to enforce the humanitarian and human rights-related provisions of Resolutions 2139 and 2165 by imposing targeted sanctions against those responsible for war crimes and crimes against humanity, by imposing an arms embargo on the Syrian government, and by referring the situation in Syria to the Prosecutor of the International Criminal Court.

Amnesty International calls on the Syrian government and armed opposition groups such as the Ahrar al-Sham Islamic Movement and Hay'at Tahrir al-Sham to end unlawful sieges and direct attacks on civilians and civilian objects, as well as disproportionate and otherwise indiscriminate attacks. It urges the Syrian government to stop the forced displacement of civilians, allow those forcibly displaced to return to their homes, and provide reparation to victims of such violations.

Amnesty International also appeals to all states, in particular Russia, Iran and members of the European Union, to ensure that any financial assistance they provide to the Syrian government for reconstruction purposes does not contribute to human rights abuses or violations of international humanitarian law. Priority should be given to programmes aimed at ensuring justice for victims and their families, including ensuring that civilians whose properties were unlawfully destroyed, appropriated or looted receive compensation.

2. METHODOLOGY

This report is based on research conducted by Amnesty International between April and September 2017. It focuses on the displacement of civilians resulting from local “reconciliation” agreements between the Syrian government and armed opposition groups after prolonged unlawful sieges and bombardment. The report specifically covers four agreements – three of them brokered by international parties – that were reached between August 2016 and March 2017, displacing residents from the following areas: the city of Daraya in the suburbs of Damascus, eastern Aleppo city, the Homs city neighbourhood of al-Waer, and the four towns of Madaya, Zabadani, Kefraya, and Foua.

Two Amnesty International delegates interviewed a total of 134 people for this report, primarily civilians displaced from the aforementioned locations who had suffered first-hand the siege and bombardment to which they were subjected. The vast majority of these interviews were conducted by telephone, email or online chat and messaging applications. Amnesty International has not been able to conduct field research in opposition-held areas in Idlib, Aleppo, or Homs governorates¹ since 2013 due to security concerns. The Syrian government has also prevented Amnesty International – and, to a large extent, other independent human rights organisations – from accessing areas under its control since the crisis began in 2011.²

Amnesty International interviewed 29 people from Daraya, 29 from al-Waer, 30 from Aleppo, seven from Madaya, and 10 from Kefraya and Foua. Those interviewed included negotiators, activists, journalists, teachers, medics, and aid workers. Some were direct witnesses of air and ground assaults by government forces. Amnesty International also conducted in-person interviews in southern Turkey, Beirut, and New York with international humanitarian workers and experts as well as foreign journalists and United Nations (UN) officials with knowledge of relevant events.

The real names of interviewees in this report are withheld to protect their safety and confidentiality. Several interviewees, mainly displaced civilians, cited fears of reprisals against them or their family members if it became known they had spoken with Amnesty International.

Amnesty International researchers obtained and reviewed copies of the signed agreements relating to al-Waer and eastern Aleppo city, but were not able to obtain access to the “four towns” agreement. They were told there was no written document codifying Daraya’s agreement. The researchers also reviewed reports by various UN agencies, the Independent International Commission of Inquiry on the Syrian Arab Republic, international and local human rights groups, social media posts on Facebook and Twitter by journalists and activists, and the extensive reporting on the crisis by credible media outlets over the past six years. In addition, Amnesty International studied statements by Syrian and Russian government officials and reports from state media and have made reference to these where relevant in the text.

In researching this report, Amnesty International examined satellite imagery, and used its Digital Verification Corps, a network of volunteers trained in social media verification, to review and analyse dozens of open source videos and images. Where needed, Amnesty International’s weapons expert and independent consultants provided analysis of some of the open source videos and images, including identifying certain types of munitions. This material was used to corroborate specific incidents mentioned in witness

¹ These are the areas to which the majority of the displaced people interviewed in this report moved.

² Due to safety concerns, Amnesty International for the most part avoided interviewing people who were displaced to government-controlled areas – for example, evacuees from Daraya who went to al-Horjela and residents of al-Waer and eastern Aleppo who returned to these areas after they had fallen under government control. The organisation did, however, interview a few people displaced from Kefraya and Foua to government-controlled areas, but only after taking necessary precautions. That explains the small size of the sample of interviewees from those two locations.

testimonies as well as the military tactics used and patterns of violence seen during the years of siege and bombardment.

On 13 October 2017, Amnesty International submitted a summary of its preliminary findings to the permanent missions of the Syrian and Russian governments to the UN in Geneva, and the human rights office of the Ahrar al-Sham Islamic Movement in Turkey.³ The organisation sought clarifications regarding these local “reconciliation” agreements and allegations of violations of international humanitarian law and international human rights law preceding, during, and after their implementation. At the time of publication, there had been no response from either the Syrian or Russian government.

The Ahrar al-Sham Islamic Movement did reply, in a six-page letter dated 29 October 2017. They rejected Amnesty International’s findings that they were responsible for blocking humanitarian aid reaching Kefraya and Foua and denied that they had either signed agreements with the Syrian government or that they been involved in negotiations leading up to them. Moreover, they said that they welcomed any international effort to provide access to aid and claimed that they had exercised diplomatic pressure during the political talks in Astana to prevent further forced displacements in Syria. Finally, they devoted a significant amount of space in their reply to detailing their concerns about actions by the Syrian government and its allies, on the one hand, and the US-led coalition, on the other. They presented their understanding of the pattern of Syrian government attacks against besieged populations in Syria, condemned its blocking of humanitarian aid and gave examples of the displacement of civilians from particular locations and government attacks on civilians, including internally displaced people.

³ Amnesty International did not submit a summary of its preliminary findings to Hay’at Tahrir al-Sham because it was not able to identify a body or liaison point within the armed group with which the organisation could engage on human rights-related concerns.

3. BACKGROUND

The peaceful protests that erupted across Syria in early 2011 calling for political change were quickly and brutally suppressed by Syrian government forces.⁴ The situation had evolved into an internal armed conflict by mid-2012, with the emergence of organised armed opposition groups.⁵ The conflict has been exacerbated in the past three years by the provision of weapons and military assistance to the Syrian government and armed opposition groups by state – and non-state – allies. As a result, tens of thousands – numbers vary between 250,000 and 400,000 people – were killed between 2011 and 2016 in Syria.⁶

Since 2011, Amnesty International has documented grave human rights violations, including crimes against humanity, and serious violations of international humanitarian law, including war crimes, committed by government forces.⁷ These violations include deliberate attacks against civilians and civilian objects, disproportionate and otherwise indiscriminate attacks, including the use of highly explosive weapons in densely populated civilian areas and the use of internationally banned weapons such as cluster munitions and chemical weapons, and sieges of civilian areas. Amnesty International has also documented the torture, extrajudicial execution and enforced disappearance of individuals perceived to oppose the Syrian government and others.⁸

Amnesty International and other monitoring groups have also documented indiscriminate attacks, sieges, and abduction, torture and summary killings by non-state armed groups.⁹

In February 2014, the UN Security Council adopted Resolution 2139 in an attempt to address these violations.¹⁰ The resolution demanded that all parties to the conflict end unlawful attacks on populated areas, sieges, arbitrary detention, abduction, torture and enforced disappearances. More than four months later, the UN Security Council adopted Resolution 2165 authorizing the delivery of aid across borders and conflict lines by the UN and its implementing partners without prior consent from the government.¹¹

However, these actions did not deter parties to the conflict from continuing to commit crimes, including maintaining sieges and unlawful attacks in populated areas. According to 34 UN Secretary-General reports monitoring the implementation of Resolutions 2139 and 2165, amongst others, access to humanitarian aid has been severely restricted or obstructed due to fighting, the Syrian government's denial – or delayed approval – of permission for the UN and its implementing partners to deliver humanitarian aid, and the

4 See, for example, UN Human Rights Council, *1st report of the Commission of Inquiry on the Syrian Arab Republic*, UN Doc. A/HRC/S-17/2/Add.1, <http://www.ohchr.org/Documents/Countries/SY/A.HRC.S-17.2.Add.1.en.pdf>

5 Stephanie Nebehay, "Exclusive: Red Cross ruling raises questions of Syrian war crimes", Reuters, 14 July 2012, www.reuters.com/article/us-syria-crisis-icrc-idUSBRE86D09H20120714

6 Al Jazeera, "Syria death toll: UN envoy estimates 400,000 killed", 23 April 2016, www.aljazeera.com/news/2016/04/staffan-de-mistura-400000-killed-syria-civil-war-160423055735629.html

7 Amnesty International, "Syria", *Annual Report 2016/2017*, www.amnesty.org/en/countries/middle-east-and-north-africa/syria/report-syria/

8 See, for example, Amnesty International, *Human slaughterhouse: Mass hangings and extermination at Saydnaya prison*, Syria (Index: MDE 24/5415/2017).

9 See, for example, Amnesty International, "Syria", *Annual Report 2016/2017*, www.amnesty.org/en/countries/middle-east-and-north-africa/syria/report-syria/

In this report, Amnesty International employs the term "non-state armed group" to refer to all armed groups that are not part of the Syrian government's armed forces. It uses the term "armed opposition group" with a narrower scope, not including within it the armed group calling itself the Islamic State.

10 UN Security Council, *Resolution 2139 on Syria*, UN Doc. S/RES/2139 (2014).

11 UN Security Council, *Resolution 2165 on Syria*, UN Doc. S/RES/2139 (2014).

removal of medicine and medical supplies from humanitarian aid convoys by both the Syrian government and armed opposition groups.¹²

In December 2015, the UN Security Council adopted Resolution 2254 endorsing a road map to a political settlement in line with the Geneva Communiqué, a transition plan issued in June 2012 after a meeting of the UN-backed Action Group for Syria.¹³ However, the ensuing peace talks sponsored by the UN in Geneva did not lead to any progress. In January 2017, Russia, Turkey and Iran sponsored parallel peace talks in Astana to reinforce the nationwide ceasefire agreement reached between some of the parties to the conflict a month before.¹⁴ By May 2017, the three sponsors had brokered a deal to establish so-called “de-escalation zones” in the governorates of Idlib, Homs, Damascus Countryside, and Daraa where parties to the conflict would refrain from fighting.¹⁵

‘SURRENDER OR STARVE’

Since the beginning of the armed conflict in Syria, the Syrian government has imposed sieges on several populated civilian areas under the control of armed opposition groups, using starvation of civilians as a method of warfare, in addition to carrying out attacks on civilians and civilian objects.¹⁶ While the scale of the operations cannot be compared with those of the Syrian government, armed opposition groups, primarily the Ahrar al-Sham Islamic Movement¹⁷ and Hay’at Tahrir al-Sham¹⁸, have also been responsible for besieging predominantly Shi’a and Alawite towns in Idlib and Aleppo governorates and have carried out other serious violations of international humanitarian law.¹⁹

Amnesty International’s research indicates that the Syrian government has deprived civilians in besieged areas of access to food and other basic necessities and to medicines, and has subjected them to relentless bombing, including deliberate attacks against civilians and civilian objects and disproportionate and

12 See for example: UN Security Council, *Implementation of Security Council Resolution 2139 (2014), 2165 (2014), 2191 (2014) and 2258 (2015)*, UN Doc. S/2016/714; UN Security Council, *Implementation of Security Council Resolution 2139 (2014), 2165 (2014), 2191 (2014) and 2258 (2015)*, UN Doc. S/2016/873; UN Security Council, *Implementation of Security Council Resolution 2139 (2014), 2165 (2014), 2191 (2014) and 2258 (2015)*, UN Doc. S/2017/623.

13 UN Security Council, *Resolution 2254 on Syria*, UN Doc. S/RES/2254 (2015).

14 Syrian Arab News Agency (SANA), “Lavrov: Astana talks on Syria, a whole new step in peace-making progress”, 5 February 2017, sana.sy/en/?p=99541

15 Al Jazeera, “Syria’s ‘de-escalation zones’ explained”, 4 July 2017, www.aljazeera.com/news/2017/05/syria-de-escalation-zones-explained-170506050208636.html

16 See, for example, Amnesty International, *Syria: Squeezing the life out of Yarmouk: War crimes against besieged civilians* (Index: MDE 24/008/2014); Amnesty International, *Syria: ‘Left to die under siege’: War crimes and human rights abuses in Eastern Ghouta, Syria* (Index: MDE 24/079/2015); Amnesty International, *‘In Madaya you see walking skeletons’: Harrowing accounts of life under siege in Syria* (Press release, 8 January 2016); UN Human Rights Council, *10th Report of Commission of Inquiry on Syria*, UN Doc. A/HRC/30/48; UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, UN Doc. A/HRC/31/68.

17 The Ahrar al-Sham Islamic Movement is a coalition of four formerly separate armed groups, namely the Ahrar al-Sham Brigades, the al-Fajr Islamic Movement, the Islamic Vanguard and the al-Ayman Brigades, and was founded in January 2012. The co-founder and original leader of Ahrar al-Sham was Hassan Abboud, whose nom de guerre was Abu Abdallah al-Hamawi, until his assassination in September 2014. After the death of Hassan Abboud, several leaders followed, the latest being Ali al-Omar, who goes by the alias Abu Ammar and was elected in November 2016 as the fourth leader of the group. By 2016, Ahrar al-Sham was firmly rooted in Idlib governorate and parts of Aleppo governorate and held a small territorial area in the south of Syria. In late July 2017, the group withdrew from its locations in Idlib governorate as Hay’at Tahrir al-Sham seized control of the area.

18 Formerly known as the al-Nusra Front (Jabhat al-Nusra). The al-Nusra Front was an al-Qa’ida affiliated group formed in December 2011 by the former leader of al-Qa’ida in Iraq, Abu Bakr al-Baghdadi. Though the al-Nusra Front began conducting operations in December 2011, the group formally declared its existence in January 2012. It financed its operations, which included but were not limited to parts of Aleppo, Raqqa, Deir el-Zour, Daraa and Idlib governorates, by gaining control over oil fields that generated income. In July 2016, the al-Nusra Front ended its affiliation with al-Qa’ida and rebranded itself as Hay’at Tahrir al-Sham. In January 2017, the group merged with the al-Ahrar Army after tensions began to rise among Syrian opposition groups. As part of this merger, Abu Muhammad al-Joulani abdicated his role as the group’s leader, a position now held by Sheikh Hashim al-Sheikh, and became Hay’at Tahrir al-Sham’s military leader. Hay’at Tahrir al-Sham seized control of Idlib in July 2017 after victory over the Ahrar al-Sham Islamic Movement.

19 UN Human Rights Council, *7th Report of Commission of Inquiry*, UN Doc. A/HRC/25/65; UN Human Rights Council, *Oral Update of the Independent International Commission of Inquiry on the Syrian Arab Republic*, UN Doc. A/HRC/29/CRP.3; Amnesty International, *‘In Madaya you see walking skeletons’: Harrowing accounts of life under siege in Syria* (Press release, 8 January 2016).

otherwise indiscriminate attacks, as part of a calculated military strategy.²⁰ This has been described by the UN as “starve and surrender tactics”.²¹

In September 2017, the UN estimated that, as of August 2017, a total of 513,420 people continued to be besieged by parties to the conflict: 399,300 by the Syrian government (in Damascus and Damascus Countryside governorates), 12,520 people by both the Syrian government and armed opposition groups (in Yarmouk, Damascus), 8,100 people by armed opposition groups (in Kefraya and Foua) and 93,500 people by the armed group calling itself the Islamic State (in Deir al-Zour).²² A year ago, the UN Assistant Secretary-General for Humanitarian Affairs and Deputy Emergency Relief Coordinator concluded that the siege and starvation policy had become “routine and systematic”.²³

As early as 2014, and increasingly over the past year, the Syrian government’s military strategy focused on using siege and starvation against civilians as a tactic to pressure armed groups to negotiate a deal to surrender.²⁴ The deals negotiated and promoted by the Syrian government as local “reconciliation” deals involved the surrender of armed opposition groups in exchange for the safe evacuation of civilians and fighters to areas under opposition control. The first such reconciliation deal was implemented in the Old City of Homs, which had been besieged for two years until a deal was brokered by the Minister of National Reconciliation Affairs²⁵, the UN, and armed opposition groups, resulting in the evacuation of all civilians and fighters in February 2014.²⁶

Two years later, the Syrian government, with the support of Russia and Iran, escalated its military strategy in other besieged areas by tightening the sieges and intensifying attacks on civilians and civilian objects in Daraya, Madaya and Zabadani in Damascus Countryside, al-Waer neighbourhood in Homs, and eastern Aleppo city. Armed opposition groups, primarily the Ahrar al-Sham Islamic Movement and Hay’at Tahrir al-Sham, also increased attacks on civilians in government-controlled Kefraya and Foua and prevented aid from reaching them. The escalation of violence and deteriorating humanitarian conditions in the besieged areas forced the armed groups to capitulate and negotiate their surrender. Between August 2016 and April 2017, four local agreements were signed in Daraya, eastern Aleppo city, al-Waer neighbourhood and in Madaya, Zabadani, Kefraya and Foua (known as the “four towns” deal).²⁷

According to the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, these “surrender” or “evacuation agreements” were the result of tactics of “restricted access and increased attacks” in areas including Daraya, eastern Aleppo city, Madaya, Zabadani, Kefraya and Foua which “push people to choose between starvation and death or fleeing on green buses to locations that are just as unsafe.”²⁸ Following the implementation of the evacuation agreements, the UN removed these areas from the list of sieges, which included 4,000 people in Daraya in Damascus Countryside, 275,000 in eastern Aleppo city, 75,000 in al-Waer neighbourhood in Homs, 45,700 in Madaya and Zabadani in Damascus Countryside, and 20,000 in Kefraya and Foua.²⁹

20 Amnesty International, *Syria: Squeezing the life out of Yarmouk: War crimes against besieged civilians* (Index: MDE 24/008/2014); Amnesty International, *‘Left to die under siege’: War crimes and human rights abuses in Eastern Ghouta, Syria* (Index: MDE 24/2079/2015); Amnesty International, *Syria: UN must act to end onslaught aimed at purging civilians from eastern Aleppo* (Press release, 20 October 2016).

21 UN Office for the Coordination of Humanitarian Affairs, “*Syria: Astana produced a promising step. This agreement simply has to succeed*” - UN Humanitarian Chief, 30 May 2017, www.unocha.org/country/top-stories/all-stories/syria-astana-produced-promising-step-agreement-simply-has-succeed-un-humanit

22 UN Security Council, *Implementation of Security Council Resolution 2139 (2014), 2165 (2014), 2191 (2014) and 2258 (2015)*, UN Doc. S/2017/794, para. 23.

23 UN, *Starvation by Siege Now ‘Systematic’ in Syria, Assistant Secretary-General Tells Security Council, amid Warnings that Tactic Could Be War Crime*, 15 January 2016, www.un.org/press/en/2016/sc12203.doc.htm

24 Al Jazeera, “Timeline: Syria’s 13 ‘people evacuation’ deals”, 16 May 2017, www.aljazeera.com/indepth/features/2017/04/timeline-syria-people-evacuation-deals-170413084313089.html

25 Eva Bartlett, “As Foreign Insurgents Continue to Terrorize Syria, the Reconciliation Trend Grows”, *The Dissident Voice*, 22 August 2014, dissidentvoice.org/2014/08/as-foreign-insurgents-continue-to-terrorize-syria-the-reconciliation-trend-grows/

26 UN News Centre, *Syria: first civilians evacuated from Homs after nearly two-year of siege, UN reports*, 7 February 2014, www.un.org/apps/news/story.asp?NewsID=47105#.Wdn-7FuCzIU

27 Al Jazeera, “Timeline: Syria’s 13 ‘people evacuation’ deals”, 16 May 2017, www.aljazeera.com/indepth/features/2017/04/timeline-syria-people-evacuation-deals-170413084313089.html

28 UN Office for the Coordination of Humanitarian Affairs, *Syria: “Astana produced a promising step. This agreement simply has to succeed”* - UN Humanitarian Chief, 30 May 2017, www.unocha.org/country/top-stories/all-stories/syria-astana-produced-promising-step-agreement-simply-has-succeed-un-humanit

29 UN Security Council, *Implementation of Security Council Resolution 2139 (2014), 2165 (2014), 2191 (2014) and 2258 (2015)*, UN Doc. S/2016/714; UN Security Council, *Implementation of Security Council Resolution 2139 (2014), 2165 (2014), 2191 (2014) and 2258 (2015)*, UN Doc. S/2016/873.

In February 2016, the Russian government established a “centre for reconciliation of opposing sides” in Syria at the Hmeimim air base in Latakia governorate.³⁰ The centre, responsible for reaching agreements with the opposition on cessation of hostilities and establishing mechanisms of implementation, supported the Syrian government in negotiating several key local agreements in strategic areas besieged by the Syrian government such as al-Waer and eastern Aleppo city.³¹ Iran played a leading role in the negotiations with armed opposition groups that resulted in the “four towns” deal.³²

30 YouTube, Ruptly TV, “Syria: Russia launches reconciliation centre to monitor ceasefire agreement”, 29 February 2016, www.youtube.com/watch?v=UzvH6tQ8H-k

31 Reuters, “Syrian rebels begin to leave last opposition-held Homs district”, 20 May 2017, www.reuters.com/article/syria-idUSKBN18G001; Kareem Shaheen, “Aleppo: Russian-Turkey ceasefire deal offers hope of survival for residents”, *The Guardian*, 14 December 2016, www.theguardian.com/world/2016/dec/13/deal-reached-to-evacuate-rebels-and-civilians-from-aleppo

32 Martin Chulov, “Qatari royal family members used as leverage in Syrian population swap”, *The Guardian*, 14 April 2017, www.theguardian.com/world/2017/apr/14/besieged-syria-towns-evacuated-as-regime-and-rebels-begin-huge-people-swap

4. DARAYA

“We didn’t know that you could eat grass. After the revolution, we found out it was edible.”

Former member of Daraya’s local council

Daraya was one of the early sites of peaceful anti-government protests in 2011, and one of the first towns to be subjected to the military’s crackdown. Located in the Damascus suburbs roughly 7km from the centre of the capital, it is of particular strategic importance, given its proximity to key military facilities, including the Mezzeh air base.

Estimates of Daraya’s population before the Syrian crisis began vary from 80,000 to 250,000.³³ After non-state armed groups belonging to the Free Syrian Army established a presence in the city, the army carried out an operation in August 2012 that left more than 700 civilians killed.³⁴ Between 20 and 24 August the military shelled the city and then moved in alongside militia fighters, carrying out extrajudicial executions of civilians for the following three days.³⁵ The Independent International Commission of Inquiry on the Syrian Arab Republic (Commission of Inquiry) described the events as a “massacre” and said government forces committed war crimes.³⁶ Many people fled the city and its population was decimated.³⁷ When the military launched a subsequent ground and air offensive against Daraya in November of that year, more residents left, fearing another round of widespread killings.

In mid-November 2012, the government imposed a siege on Daraya’s remaining 7,000 residents, who continued to be subjected to air and ground attacks.³⁸ The siege lasted until a deal resulted in the complete depopulation of the city in August 2016.³⁹ Former residents interviewed by Amnesty International estimated the number of evacuees to have been around 2,500 people⁴⁰ – a mix of fighters, their families, and other civilians. The UN’s former humanitarian aid chief, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator Stephen O’Brien, summed up what happened in Daraya, saying: “This evacuation followed four years of unrelenting siege during which children starved, people resorted to eating

33 According to the last official census in 2004, Daraya had a population of roughly 80,000 people. See, for example, the Humanitarian Data Exchange (HDX), *Syrian Arabic Republic – Population Statistics*, bit.ly/2d0qEV3

Daraya’s local council estimated that the population of the city was about 250,000 in 2011. Local Council of Daraya City, *City of Daraya: Review of the humanitarian and services situation and some statistics*, February 2016 (on file with Amnesty International).

34 According to Daraya’s local council, the cases of 512 of those killed were documented by name, while, in 200 other cases, the bodies of the dead had been mutilated beyond recognition. Local Council of Daraya City, *City of Daraya: Review of the humanitarian and services situation and some statistics*, February 2016 (on file with Amnesty International).

35 UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, UN Doc. A/HRC/22/59 (hereinafter: UN Doc. A/HRC/22/59), Annex IV, paras 23-25.

36 UN Doc. A/HRC/22/59, paras 46-47.

37 See, for example, Janine di Giovanni, “Syria Crisis: Daraya massacre leaves a ghost town still counting its dead”, *The Guardian*, 7 September 2012, bit.ly/2y3AJdO

38 Amnesty International, *Updated briefing on sieges across Syria* (Index: MDE 24/023/2014).

39 Interviews with former Daraya residents, May-August 2017.

40 This figure, an estimate of how many people left Daraya on 26 and 27 August, is not reflective of the total size of the population that was living under the siege. As explained later in the chapter, military operations had an effect on population movement; for example, a number of families from Daraya became trapped in adjacent Moadamiya when government troops separated the two towns in February 2016. Those families evacuated at a later stage under a separate deal with Moadamiya.

grass, and the town was subjected to an onslaught of fighting, including aerial bombardment, and severe restrictions on freedom of movement for civilians, as well as on commercial and humanitarian goods.”⁴¹

Amnesty International interviewed 29 displaced Daraya residents, 27 of whom are civilians. They included activists, medics, teachers, and members of the city’s local council.

4.1 SIEGE: HUMANITARIAN CONDITIONS AND ACCESS

The siege had a devastating impact on civilians, details of which were documented by various UN agencies over the years. First-hand witnesses to conditions under the siege in Daraya who spoke with Amnesty International painted a bleak picture of deprivation and suffering. Government forces unlawfully blocked or arbitrarily restricted access to basic necessities, including food, water, medicine, electricity, fuel, and communications. In the words of a former resident who spoke with Amnesty International, they lived in “Stone Age-like conditions”.

During the early period of the siege, Daraya’s local council, established in October 2012 to administer the city’s affairs, initiated a plan to gather and store food and supplies from the homes and shops of people who had left the city. The council started a rationing programme to distribute these supplies among those remaining in Daraya, in addition to establishing “a central kitchen that would cook for everyone, for example, rice on one day, soup the following day”.⁴² As days went by, all that the kitchen could cook a day was 50kg of rice distributed in nine industrial size pots filled with 400 litres of water, or what one council member described as “coloured water”.⁴³

The city tried to rely on agriculture to make up for food shortages by planting seasonal crops, “but it was all bare minimum subsistence”.⁴⁴ According to former residents, government forces targeted fields in a scorched-earth policy that further compounded starvation in Daraya. Satellite imagery analysed by Amnesty International corroborates accounts that fields were targeted – including being seized by ground forces in the military’s final assault on the city – and that cultivated lands shrunk exponentially throughout the siege. People resorted to eating wild vegetation, former residents said. “We didn’t know that you could eat grass. After the revolution we found out it was edible... People tried to add different ingredients to it. In the end it was just grass,” a former resident said.⁴⁵

41 UN Office for the Coordination of Humanitarian Affairs, *Statement on Darayya and the situation in other besieged areas in Syria*, New York, 30 August 2016, bit.ly/2xfc7y6

42 Phone interview with a member of the aid committee in the local council, 27 May 2017.

43 Phone interview with a member of the aid committee in the local council, 27 May 2017.

44 Phone interview with a member of the aid committee in the local council, 26 May 2017.

45 Phone interview with a member of the aid committee in the local council, 27 May 2017.



The lower satellite image from 31 October 2015 shows a significant decline in healthy vegetation (illustrated in red hues) south-west of central Daraya compared to that visible in the upper satellite image from 6 October 2012, indicating the widespread destruction of crops.

Conditions in Daraya were closely linked to those in the adjacent rebel-held town of Moadamiya. When armed groups in Moadamiya accepted a truce with the government in December 2013, some of Daraya's residents were able to smuggle in supplies from the neighbouring town, albeit by paying a premium. According to former residents, the worst stage of the siege started in February 2016 when government forces carried out an operation and effectively separated the two towns. The move cut off Daraya's last access point and trapped roughly half of its population in Moadamiya, former residents said.

Throughout the siege Daraya's residents had to make do with eating one meal a day, barely surviving on the same items – mostly rice, bulghur, and lentils. A father and mother of three young children interviewed by Amnesty International described the impact of the siege on their family. The father, who used to run a business that closed after the 2012 military incursion, said:

The children started complaining about eating bulghur every day. They asked for milk and other food. We tried hard to calm them. Their mother would cry, I would cry on the inside. I did not want them to see that. Their mother would think of alternatives, like putting a slice of onion in water and some mint and calling it salad.⁴⁶

His wife added:

They [the children] would wake up hungry. I would tell them to wait a little until I made food, but I could only prepare one meal a day and it had to be later in the day so it could sustain us until the following day. I would cook soup made out of water and whatever little [grains] we had... My [10-year-old] son would say, 'You might as well be feeding us pebbles.' Imagine your child telling you something like that. It was devastating.⁴⁷

The depletion of supplies resulted in people resorting to desperate measures. A mother of two boys under 10 repeatedly broke down as she spoke with Amnesty International about the lengths she went to in order to keep her family fed. She described how, whenever any left-over rice had gone rotten due to being left out in the heat, she would wash it, recook it, and serve it to the family again even if worms had appeared in it. She explained:

We couldn't afford to throw anything out. There was a rat infestation in the town due to the destruction and stuff rotting in abandoned homes... Someone like me who used not to be able to stand the sight of rats ended up having to clear out rice from rat droppings, and we would eat that rice.⁴⁸

Mothers who gave birth under the siege told Amnesty International how their infants suffered due to insufficient breast milk and lack of baby formula. In a testimony echoed by other women, a 30-year-old mother who gave birth in March 2016 said her daughter was born small and weak:

I would breastfeed her, but it was not filling; she was very frail and there was nothing I could do. We had no other alternatives so she would cry a lot and I couldn't do anything... How could someone who had just given birth and was breastfeeding sustain themselves on soup? ... After I gave birth, my husband bought me a kilo of liver for 15,000 Syrian pounds [US\$79].⁴⁹ It used to sell for 800 pounds [US\$4] before. It took my husband 15 days after I gave birth to find someone who had slaughtered a sheep to buy something to feed me.⁵⁰

The war economy that sprung in all besieged areas translated into foodstuffs and goods being sold at inflated prices, well out of the reach of the majority of the city's residents.⁵¹ For example, in February 2016, bread, which had disappeared from most households early on in the siege, "was sporadically available at an exorbitant cost" of 1,500 Syrian pounds (US\$8) for a standard bag "(30 times higher than the Damascus market price)".⁵² In April 2016, 1kg of rice in Daraya sold for 12,500 Syrian pounds (US\$66), 36 times more than the market price in Damascus.⁵³ A mother of four, who worked with her husband as a helper at a school, said that, shortly before they left Daraya, the price of 1kg of sugar, which normally sold for 400 Syrian pounds (US\$2), had risen to 50,000 Syrian pounds (US\$233); the total of their combined salaries was 30,000 Syrian pounds (US\$140).⁵⁴

Several people interviewed by Amnesty International said their weight dropped significantly due to the food shortages; the prevalence of physical fatigue was such that it was a common sight to see people passing out on the street, former residents said. The nursing mother quoted earlier said her weight dropped from 55kg to 42kg.⁵⁵ A 32-year-old activist said: "People physically changed. I went from 90kg to 65kg."⁵⁶

46 Phone interview, 23 May 2017.

47 Phone interview, 23 May 2017.

48 Phone interview, 30 May 2017.

49 The conversions to US dollars in this quotation reflect rates during March 2016.

50 Phone interview, 9 June 2017.

51 All conversions to US dollars in this paragraph reflect rates during the relevant periods mentioned.

52 World Food Programme, *Syria Country Office Market Price Watch Bulletin*, February 2016, bit.ly/2ieAqtl

53 World Food Programme, *Syria Country Office Market Price Watch Bulletin*, April 2016, bit.ly/2vSDZlQ

54 Phone interview, 2 June 2017.

55 Phone interview, 9 June 2017.

56 Interview with activist, Turkey, 28 April 2017.

The constant fatigue meant that any day-to-day activities people tried to maintain to have a semblance of normality were affected. For example, a group of teachers who had started an underground school in 2014 as a substitute for the closed public schools had to scale back on hours when the siege worsened in 2016. A 34-year-old teacher who ran the facility said: “Our bodies got weak. We were no longer able to work. We had to cut back working hours at the school to just one hour. We were too tired to work four or five hours.”⁵⁷ The worst part, she said, was seeing the impact on students who craved for sweets, milk, and meat:

During the last period [of the siege], it became very hard for students to focus... They had lost a lot of weight. There was this boy who was so sharp when I first met him as a five-year-old in 2014. By the time we were leaving in [August] 2016, he was unrecognizable. He was like a dead body with open eyes... He was no longer able to write although he used to be a very bright student. Hunger really took its toll on them. It was the hardest thing to see these little boys so skinny, so weak... It broke our hearts listening to their stories – one time one of the boys said he wished he would die like his father so he could finally get to eat in heaven... When we asked them to draw their favourite things, a seven-year-old boy split the page in two: on one side there were shops, fruits and vegetables; the other side was empty. The first was Damascus, the second was Daraya, he said.⁵⁸

Daraya suffered from an acute shortage of medicines and medical supplies; several former residents said they could not even find basic painkillers and often resorted to taking expired medicine. Two women who gave birth by caesarean section said their incisions became infected and the post-operative recovery period dragged on due to the absence of postnatal drugs they needed.⁵⁹ Two volunteer medics told Amnesty International that gauze had run out, and that medical teams were using cloth instead.⁶⁰ They also ran out of blood bags and life-saving intravenous fluids, prompting a doctor to create a locally made substitute.⁶¹ “Many people were allergic to it and would get sick,”⁶² said an activist of the improvised intravenous fluid. Medics said they often found themselves helpless:

When we got cases of kidney failure, there was nothing we could do about it because we did not have dialysis machines. So we would watch the patients die in front of our eyes and we could not offer them anything. It was also very hard to provide the necessary care for head injuries because of the shortages we had. Many patients would die as a result of the lack of medicine or equipment.⁶³

The Syrian government repeatedly refused to grant approvals to UN humanitarian aid convoys to enter Daraya and other besieged areas in Damascus Countryside, in breach of international norms and standards.⁶⁴ The first time the UN was able to obtain high-level access to Daraya since the siege had started was on 16 April 2016 when the office of the UN Special Envoy for Syria conducted a scoping mission.⁶⁵ The mission – which was not carrying supplies for what was said to be an estimated 4,000 people besieged in Daraya at that point – “witnessed very dire humanitarian conditions, characterised by severe shortages of food, medicines, medical equipment and supplies, health facilities and personnel.”⁶⁶

Even on the rare occasions when agencies managed to obtain clearance from the government, they continued to meet obstacles. On 12 May 2016, a joint aid convoy of the International Committee of the Red Cross, the Syrian Arab Red Crescent, and the UN was turned back at the last government checkpoint before entering the city.⁶⁷ The convoy was meant to bring in medical supplies, hygiene materials, baby milk, and vaccines. The blocking of the delivery, which was followed by mortar shelling that killed a father and his son,

57 Phone interview with a teacher, 6 June 2017.

58 Phone interview with a teacher, 6 June 2017.

59 Phone interviews, 23 May and 6 June 2017.

60 Phone interviews with volunteer medics, 13 May and 7 June 2017.

61 Phone interviews with volunteer medics, 13 May and 7 June 2017.

62 Phone interview with an activist, 7 June 2017.

63 Phone interview with a volunteer medic, 7 June 2017.

64 See, for example, UN Office for the Coordination of Humanitarian Affairs, *Syria Crisis: Bi-weekly situation report No. 02 (as of 31 March 2016)*, bit.ly/2v1enlB

65 UN Office for the Coordination of Humanitarian Affairs, *Syria Crisis: Bi-weekly situation report No. 03 (as of 22 April 2016)*, bit.ly/2vSTmBg (hereinafter: OCHA, *Syria Crisis: Bi-weekly situation report No. 03 as of 22 April 2016*).

66 OCHA, *Syria Crisis: Bi-weekly situation report No. 03 as of 22 April 2016*.

67 See, for example, International Committee of the Red Cross (ICRC), *Syria: Aid convoy turns back after being refused entry to besieged Daraya*, 12 May 2016, bit.ly/1TafcdQ

and injured at least five others, was described by Amnesty International at the time as “a cruel reality check” on the suffering of Daraya’s trapped civilians.⁶⁸

After mounting international pressure, the Syrian government allowed the entry of medicines, baby milk, and vaccines on 1 June 2016.⁶⁹ That was followed by another convoy eight days later that finally carried in some food supplies, including 480 food parcels and 960 flour bags.⁷⁰ The food in that convoy was enough for 2,400 people for one month.⁷¹ No other aid was allowed in after that.

As early as 2013, the government cut Daraya off from crucial services such as electricity and water. People had to rely on unsanitary underground water for drinking and hygiene purposes.⁷² Some used generators for limited hours, but the dearth of fuel turned that option into a luxury. Often households used open fire for cooking and heating. Several women who spoke with Amnesty International, including this mother of three, described how difficult chores became:

There were no nappies. We were using the old ways of our grandmothers, we were using small pieces of cloth... I was tired of all the hand washing. I got eczema from all the scrubbing. Having to rely on using wood [to cook and heat water], I got exhausted and physically consumed. With all the effort I had to exert, I became anaemic... It was like we had returned to the Stone Age.⁷³

Underscoring the primitive conditions of life under siege in Daraya, residents resorted to melting plastic to its raw components and using it as a substitute for diesel and petrol. “The mix”, as it was called, was crucial in operating key facilities, including the one remaining hospital in the city. But the method, which involved boiling the plastic to turn it into liquid and distilling residue oil, was a hazard for the environment and the health of those involved. Not only did workers inhale dangerous fumes and end up suffering from respiratory complications as a result, the process was highly combustible and, according to the local council, at least two people died and more than 10 others sustained severe burns over the years.⁷⁴

By the time Daraya’s residents were leaving, the starvation and crushing life conditions – a violation of many of Syria’s legal obligations under international human rights law and international humanitarian law⁷⁵ – had left a clear mark. “When we got out [to Idlib], those who saw us said we looked like cave people. The impact of the siege was very clear on us,” a 50-year-old mother of seven told Amnesty International.⁷⁶

4.2 ATTACKS ON CIVILIANS AND CIVILIAN OBJECTS

In addition to the unlawful siege, government forces subjected populated civilian areas in Daraya to indiscriminate attacks using an array of weapons, including barrel bombs, artillery shells, mortars, and unguided improvised rockets. Non-state armed groups carried out several operations in an attempt to regain control over parts of the city they had lost or to break the siege, but whatever limited successes they had were short-lived and were followed by retaliation from the military.⁷⁷ This section will highlight some of the worst aspects of the extensive government campaign to force the city’s surrender, using methods and means prohibited by international humanitarian law, including indiscriminate and disproportionate attacks.

68 Amnesty International, *Syria: Comprehensive humanitarian access needed after aid delivery to besieged Daraya thwarted and followed by deadly shelling* (Press release, 12 May 2016).

69 ICRC, *Syria: First humanitarian aid reaches Daraya*, 1 June 2016, bit.ly/2v05vmM

70 Syrian Arab Red Crescent, *Two humanitarian aid convoys reached Daraya town*, 12 June 2016, bit.ly/2xKiYzB

71 UN Office for the Coordination of Humanitarian Affairs, *Syria: Regular press briefing by the information service (17 June 2016)*, bit.ly/2wrznf9

72 UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, UN Doc. A/HRC/33/55, para. 34.

73 Phone interview, 23 May 2017.

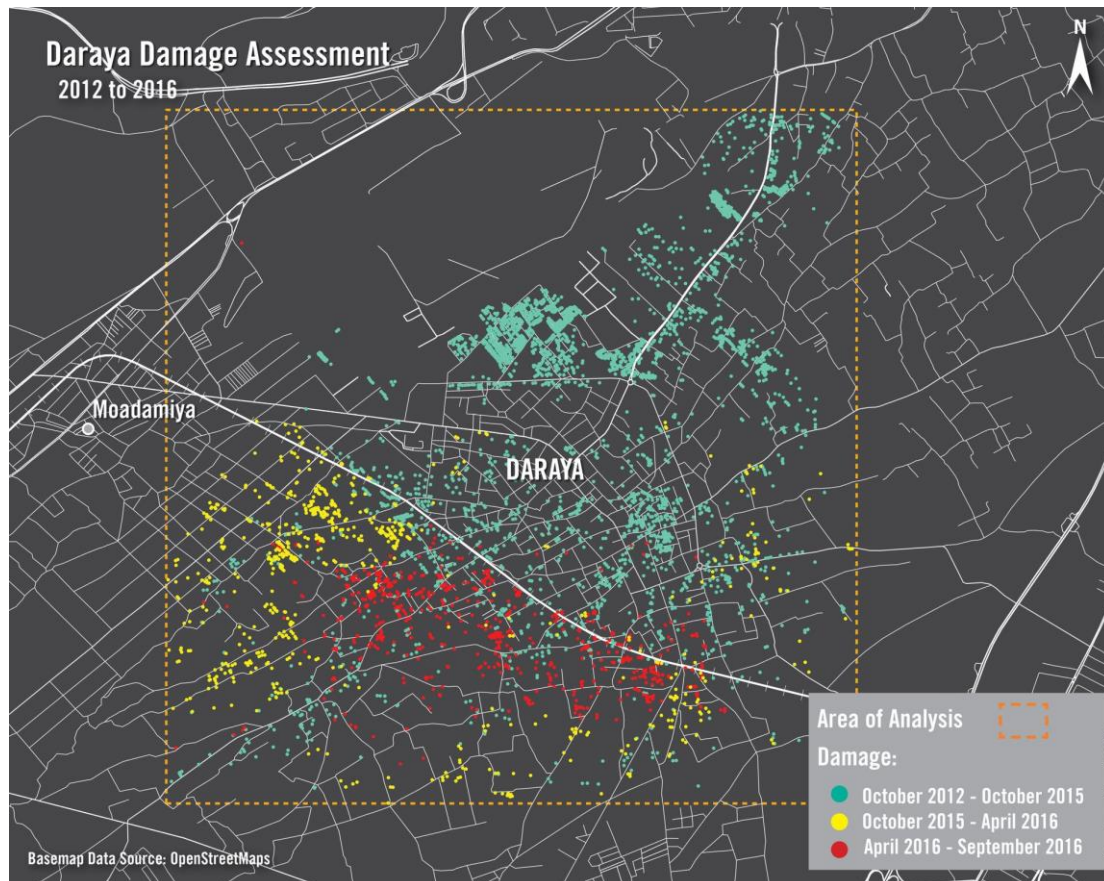
74 Phone interview with a member of the aid committee in the local council, 26 May 2017.

75 For example, ICCPR Article 6 (right to life), Article 9 (right to liberty and security), Article 12 (right to freedom of movement); ICESCR Article 11 (right to adequate standard of living, including right to adequate food), Article 12 (right to enjoy the highest attainable standard of health); ICRC, *Customary International Humanitarian Law* (hereinafter: ICRC, Customary IHL Study), Rules 53-56 (starvation and access to humanitarian relief).

76 Phone interview, 2 June 2017.

77 See, for example, Violations Documentation Center in Syria, *Flash report: Over seventy cylinder bombs loaded with incendiary substances fall on Daraya City*, August 2015, www.vdc-sy.info/index.php/en/reports/1440027730#.WXeRuoTysdU

Satellite imagery and other open source information, including more than 90 videos reviewed and analysed by Amnesty International, show the significant damage the city sustained.⁷⁸ It is consistent with witness accounts of indiscriminate and disproportionate attacks. Daraya's local council estimated in August 2016 that more than 90% of the buildings in the area under rebel control were destroyed.⁷⁹ The map below, based on analysis of satellite imagery from October 2012 to September 2016, illustrates the widespread damage and destruction in Daraya.



Satellite imagery analysis shows damage assessment in Daraya over 25km² between October 2012 and September 2016.

The involvement of Russia in the conflict from late 2015 resulted in new military tactics being used in Daraya, including surveillance flights – something mentioned in several witness testimonies and widely reported in the media. An escalation in the use of barrel bombs was coupled with methodical artillery barrages and a gradual advance by ground forces, a tactic pro-government media called *qadm al-jasad* or “bite-size” operations, according to a former local council member.⁸⁰ This continued throughout the fierce battle to separate Daraya from adjacent Moadamiya, culminating in the two towns being cut off from each other by the end of January 2016.

Analysis of satellite imagery between 31 October 2015 and 23 April 2016 shows that the majority of the damage in Daraya during that period occurred in the area between it and Moadamiya (see yellow damage dots in the map above) and to the south. It also shows evidence of ground troops pushing forward, aligning with witness descriptions of how the civilian population and the armed opposition were cornered in shrinking territory to force their surrender. Heavy vehicle tracks and scraped areas are visible, for example, in the two images below showing the southern edge of Daraya. The building of a new berm and the destruction of buildings are likely the result of the ground offensive.

⁷⁸ The video content was analysed by Amnesty International's Digital Verification Corps, a network of volunteers trained in social media verification. Some of the videos show the city's skyline and known landmarks and were possible to confirm as having been filmed in Daraya.

⁷⁹ Local Council of Daraya City, *Monthly Report: Violations by Assad regime forces in Daraya City*, August 2016, goo.gl/oZAs73

⁸⁰ Phone interview, 17 June 2017.



Between 31 October 2015 and 23 April 2016, heavy vehicle tracks and scraped areas are visible on the southern edge of Daraya. A new berm was built and many buildings are destroyed, likely as a result of a ground offensive.

When Russia and the USA negotiated a nationwide cessation of hostilities in February 2016, the Syrian government initially refused to include Daraya in the deal, claiming the city was home to fighters from what was then called the al-Nusra Front⁸¹ and the Islamic State armed group.⁸² The two groups were not covered in the deal because they are designated by the UN Security Council as “terrorist groups”.⁸³ But the claim of the presence of these groups in Daraya was disputed by international experts and residents.⁸⁴ Ultimately, Daraya was included in the cessation of hostilities and witnessed relative calm until May 2016 when events took a turn for the worse.

According to all of the former Daraya residents interviewed by Amnesty International, the number and intensity of government attacks increased significantly in the final months of the siege. In May 2016, advancing ground forces retook the agricultural lands in southwestern Daraya, eating into the territory under rebel control and ultimately pinning down fighters and civilians in a small area of around 1km², according to several former residents. This was coupled with a resumption of air strikes and rocket-shelling that rained down on the city day and night, a particularly intense and relentless bombardment given the small area under attack. A 37-year-old father of three said:

During the last period, we were living underground. We dug a hole in the ground. It was essentially a grave. At least if we were killed, they would not have to extricate our bodies. We would call it a ‘room’ in front of the children, but we knew what it really was... The military escalation, the air strikes, the new type of rockets they were using... we got to a stage we could not tell night from day. We could not get any sleep... There was a significant density of population stuck in a small area. In addition to all of that, they were hitting us with mortars, which are indiscriminate.⁸⁵

⁸¹ The al-Nusra Front changed its name to Jabhat Fateh al-Sham in July 2016, and then again to Hay’at Tahrir al-Sham in January 2017.

⁸² See, for example, Borzou Daragahi and Sarah Dadouch, “ISIS is nowhere near this city but the Syrian regime keeps bombing it anyway”, BuzzFeed, 25 February 2016, bzfd.it/2xFEEkW

⁸³ See, for example, Reuters, “Syria ‘cessation of hostilities’: full text of the support group’s communique”, 11 February 2016, bit.ly/2wgDHyz

⁸⁴ In interviews with Amnesty International, the city’s former residents and members of its local council said that fighters in Daraya were mostly affiliated to the Free Syrian Army.

⁸⁵ Phone interview, 23 May 2017.

Another former resident, a mother of seven, said her family had to switch homes three times as the bombardment kept encroaching on residential areas.⁸⁶ Her husband, who used to help civil defence units, was killed on duty in an air strike in 2014. She said they would leave their belongings scattered in different places; where they stayed at any given time of the day depended on the location of air strikes. The majority of the former residents interviewed by Amnesty International also spoke of switching homes and shelters several times, moving between mostly damaged buildings. Highlighting the extent of desperation, which was echoed in all witness testimonies, she said:

The last couple of months, we had lost hope that we would survive. We gave in to the idea that we were going to die, all of us, young and old. I even called my relatives and asked for forgiveness if I had wronged anyone. Things had gotten so bad, we were expecting death at any moment.⁸⁷

Daraya's name became synonymous with the use of barrel bombs, a fundamentally imprecise weapon. In a statement to the UN Security Council in June 2016, then Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator Stephen O'Brien said Daraya was "now dubbed 'Syria's capital of barrel bombs'" and that "their sole purpose is to terrorise and punish the civilian population".⁸⁸ In fact, the next day after the first humanitarian aid convoy carrying food entered Daraya on 9 June 2016, the military dropped dozens of barrel bombs on the city,⁸⁹ interrupting the distribution of supplies.⁹⁰ According to the Syrian Network for Human Rights, a UK-based independent NGO formed in 2011 to monitor abuses in Syria, at least 7,846 barrel bombs were dropped on Daraya from when the siege began in mid-November 2012 until the city was evacuated in August 2016.⁹¹

Barrel bombs are improvised munitions, often comprising of an oil barrel filled with explosives and a crude fuse, dropped from Syrian Air Force helicopters. They typically lack any kind of stabilisation feature, are dropped without guidance from helicopters, and tumble erratically onto their "targets". They are distinctly different from conventional air-dropped bombs used by the Syrian and Russian air forces.

Several former Daraya residents shared stories about the horrors of barrel bombs and how they thought it was a miracle they survived, given that they had seen many perish under flattened buildings. A 30-year-old woman described to Amnesty International what it was like when a barrel bomb was dropped on the building where she lived in August 2016, a few months after she had given birth:

I was at home with my husband and baby. We held each other tightly and waited for the roof to fall on our heads and kill us. It felt like the bomb was right above us. It was a miracle from God that we were spared somehow... it was absolutely terrifying. I was so worried about my daughter. There was a lot of smoke and dust. It filled the house and covered us... I remember very well it was 2pm. My husband had just come home and was telling me that his friend was martyred. I was crying so hard and thinking we, too, are going to die. That's when the bombardment happened. The barrel bomb hit the side of the building. We were staying on the first floor. The top floor was destroyed... A 10-year-old boy who was on the street was injured and his leg had to be amputated.⁹²

Another former resident, a 23-year-old who lived with his parents and two younger siblings, also described escaping a barrel bomb attack on their building a month before leaving Daraya. "If we hadn't been in the shelter, we would have been killed. The whole building was destroyed,"⁹³ said the craftsman, whose two elder brothers were killed in fighting in 2012.

Several former residents told Amnesty International that, during the final months of the escalation, they spent all of their time in underground shelters, which were basements that provided little protection. A 22-year-old woman whose teenage brother was killed in shelling in 2013 described how the basements would fill up with

⁸⁶ Phone interview, 31 May 2017.

⁸⁷ Phone interview, 31 May 2017.

⁸⁸ UN Office for the Coordination of Humanitarian Affairs, *Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Stephen O'Brien: Statement to the Security Council on Syria*, New York, 23 June 2016, bit.ly/2y48c7P (hereinafter: Stephen O'Brien statement, 23 June 2016).

⁸⁹ Stephen O'Brien statement, 23 June 2016.

⁹⁰ See, for example, Hwaïda Saad and Rick Gladstone, "Besieged Syrian town gets first food aid since 2012, then gets bombed", *New York Times*, 10 June 2016, nyti.ms/2fpANOF

⁹¹ Syrian Network for Human Rights, *Crimes against humanity and war crimes are the reason behind the forced migration in Darayya*, 31 August 2016. The local council put that number at more than 9,000; see Local Council of Daraya City Facebook page, "Daraya Statistics in August 2016", 9 September 2016, bit.ly/2wpgPfw

⁹² Phone interview, 9 June 2017.

⁹³ Phone interview, 14 June 2017.

dust after the barrel bombs hit. She would scramble to protect her baby boy, who was under a year old at the time, covering his face with a wet cloth. “You would feel like if the barrel bomb hadn’t killed you, the dust would suffocate you... It was very hard to breathe; the dust would be in my mouth, in my nose, everywhere,”⁹⁴ she said.

What particularly struck fear into the hearts of civilians during the final months of the siege, former residents said, was the use of incendiary weapons containing what they said was a napalm-like substance. They described Daraya as literally being “on fire” after government bombardment. As explained in a Human Rights Watch report, “Incendiary weapons produce heat and fire through the chemical reaction of a flammable substance, causing excruciatingly painful burns that are difficult to treat. The weapons also start fires that are hard to extinguish.”⁹⁵

Features visible in some videos viewed and analysed by Amnesty International are consistent with the use of napalm or napalm-like substances, which is delivered through a purpose-built bomb, or some kind of improvised barrel bomb as in Syria’s case. For example, a slow motion review of a video posted by Daraya’s local council on 3 August 2016 shows the release of a burning substance. The explosion shows a puff of thick white smoke appearing simultaneously with thick black smoke. Many napalm bombs use white phosphorus to ignite the thickened petroleum fill contained in the weapon; white phosphorus produces a dense smoke that is a very bright white colour. Napalm, a gelled petroleum product, burns with the thick black smoke of any petroleum-based fuel oil.

Some videos of what is said to be the aftermath of attacks by incendiary weapons in Daraya show civil defence teams struggling to put out raging fires in residential buildings, consistent with witness accounts. The uncontrollable fires, former residents said, left many unable to determine where to hide during bombardment out of fear of being burned alive. A mother of five who lost a teenage son to shelling in 2013 said the alarm was such that her children would remark after explosions, “Thank God it’s just a barrel bomb, not napalm.”⁹⁶

The use of incendiary weapons on civilians or civilian objects is prohibited under Protocol III of the Convention on Certain Conventional Weapons.⁹⁷ While Syria is not party to the convention, Russia is.⁹⁸ And the prohibition is considered a rule of customary international humanitarian law, binding on all parties to armed conflict.⁹⁹

94 Phone interview, 9 June 2017.

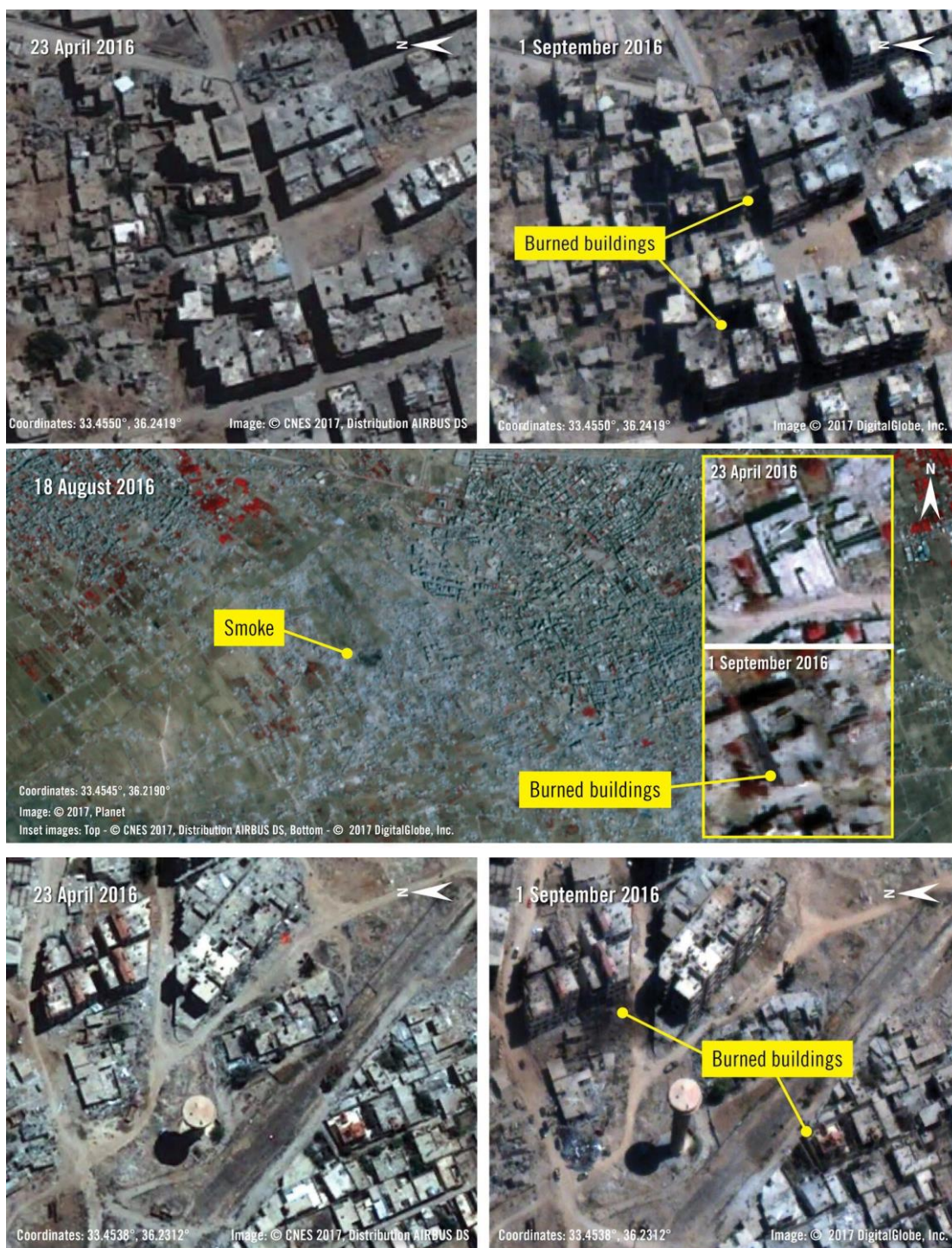
95 Human Rights Watch, *Syria/Russia: Incendiary Weapons Burn in Aleppo, Idlib*, 16 August 2016, bit.ly/2bjwB1w

96 Phone interview, 30 May 2017.

97 Convention on Certain Conventional Weapons (Protocol III), Article 2(1).

98 UN Office for Disarmament Affairs, *States parties and signatories*, bit.ly/2wpz8IO <https://www.un.org/disarmament/geneva/ccw/states-parties-and-signatories/>

99 ICRC, *Customary IHL Study*, Rule 84.



Imagery from three different locations around Daraya shows multiple large buildings that appear burned on 1 September 2016 but not on 23 April 2016. In the middle image, 3m resolution imagery from 18 August 2016 shows black smoke rising in an area south-west of central Daraya; comparing high resolution imagery of the location before and after 18 August, buildings there appear burned on 1 September but not on 23 April.

At least two attacks which appear to have used incendiary weapons hit what was Daraya's sole remaining hospital on 13 and 19 August 2016, the second one rendering it out of service.¹⁰⁰ Two medics who spoke with Amnesty International said the hospital was targeted at least three times in July and August, catching

¹⁰⁰ Syrian Network for Human Rights, *Government forces targeted makeshift hospital in Daraya city in Damascus suburbs in August 19, 19 August 2016*, bit.ly/2x2c9Nz

fire twice.¹⁰¹ “The regime’s policy during the last month was to target the town’s main lifeline,” one of the medics said,¹⁰² his testimony further underscoring the disregard for special protections under international humanitarian law for medical facilities and medical personnel.

A video published on 13 August 2016 shows the aftermath of an attack right outside a building that has been identified as a field hospital, located in the middle of the city. According to Amnesty International’s weapons expert, burning substances and black scorch marks on the ground shown in the video could be consistent with a napalm-like substance. Three videos show the immediate aftermath of the night-time attack on 19 August. The building is on fire, and several small fires can be seen outside. Additionally, black smudges are visible next to the likely bomb impact site. A fourth video shows the heavily damaged building during daytime; in satellite imagery from 1 September 2016 sourced by Amnesty International the same building is visibly burned.

The attacks on the hospital were not the only ones recorded against civilian objects in Daraya. The Syrian Network for Human Rights says it documented at least 56 attacks by government forces against “vital” civilian facilities in the city during the siege and until evacuation.¹⁰³ They included 33 attacks on places of worship – the destruction of mosques is visible in satellite imagery reviewed by Amnesty International – and 15 attacks on schools.¹⁰⁴

4.3 DISPLACEMENT OF CIVILIANS

After four years of siege and bombardment, Daraya surrendered to government control in August 2016. On 26 and 27 August, everyone in the city – fighters and civilians – was evacuated either to a government shelter in Damascus Countryside or to rebel-held Idleb in the north of the country. This came after an agreement between a committee representing Daraya and the government. As Amnesty International’s documentation in this section will show, the displacement of civilians from Daraya, which was already preceded by a range of violations, was not for their own security or imperative military reasons as required by international humanitarian law.¹⁰⁵

The quick and sudden evacuation – the first such complete emptying of a rebel-held town – came as a shock to many international observers and elicited different reactions. At the time, then US Secretary of State John Kerry was in Geneva holding talks on Syria with his Russian counterpart, Sergei Lavrov. Reuters reported that Kerry said the Syrian government had “forced the surrender” of the city, while Lavrov described the agreement as an “example” to replicate.¹⁰⁶ The UN’s former humanitarian aid chief, Stephen O’Brien, issued a statement saying the UN was not party to the agreement:

[A]greements resulting in a mass evacuation of civilians after a prolonged period of besiegement do not comply with international humanitarian law and human rights law. Let us be clear, all sieges, a medieval tactic, must be lifted. This should not be through any type of agreement which results in the forced displacement of the civilian population. What happened in Darayya should not be precedent setting for other besieged areas in Syria.¹⁰⁷

As early as 2014, there were attempts by the Syrian government and representatives from Daraya to negotiate a potential local agreement, particularly after neighbouring Moadamiya agreed to a truce in December 2013.¹⁰⁸ Worn out by the siege and bombardment, some civilians in Daraya started putting pressure on the city’s leadership to discuss a settlement. Amnesty International spoke with two civilian

¹⁰¹ Phone interviews, 13 May and 7 June 2017.

¹⁰² Phone interview, 7 June 2017.

¹⁰³ Syrian Network for Human Rights, *Crimes against humanity and war crimes are the reason behind the forced migration in Darayya*, 31 August 2016, bit.ly/2v9lgG5 (hereinafter: SNHR, *Crimes against humanity and war crimes are the reason behind the forced migration in Darayya*).

¹⁰⁴ SNHR, *Crimes against humanity and war crimes are the reason behind the forced migration in Darayya*.

¹⁰⁵ ICRC, *Customary IHL Study*, Rule 129; see also Rome Statute of the International Criminal Court, Article 8(2)(e)(viii) (characterizing unjustified forced displacement of civilians as a war crime).

¹⁰⁶ Lesley Wroughton, Stephanie Nebehay, “U.S. and Russia fail to close deal on ending violence in Syria”, Reuters, 25 August 2016, reut.rs/2c18kxQ

¹⁰⁷ UN Office for the Coordination of Humanitarian Affairs, *Statement on Darayya and the situation in other besieged areas in Syria*, New York, 30 August 2016, bit.ly/2xfc7y6

¹⁰⁸ Phone interview with a negotiator, 31 May 2016, and phone interview with another negotiator, 15 June 2016.

negotiators from Daraya involved in these talks with the government, including the final round that culminated in the depopulation of the city.

In the 2014 talks, when fighters controlled roughly half of the city and the government controlled the other half, three civilians represented Daraya in negotiations with the army's Fourth Division in its mountain headquarters south of Damascus.¹⁰⁹ Across the negotiations table from the other side were two members of the division's senior leadership, the Mufti of Damascus (who had acted as an interlocutor in other local "reconciliation" agreements), and two pro-government individuals from Daraya.¹¹⁰ The demands of the city's representatives – who spoke on behalf of civilians and armed groups – included the withdrawal of the military to the outskirts of Daraya, and the release of some 300 prisoners who had been rounded up in 2011. The military wanted the city to come back under government control, reportedly demanding that fighters hand over most of their weapons and that the Syrian government's flag replace the revolutionary flag in the city – a tell-tale sign of the government's local "reconciliation and return to the arms of the nation" deals with other towns.¹¹¹

The two sides could not agree; the siege and bombardment continued. Pro-government intermediaries – civilians and officers – kept floating the same terms for months to come.¹¹² One of the city's negotiators said fighters and civilians of Daraya rejected these offers because they viewed the process as one of "forced truces, forced reconciliation... a matter of dictation".¹¹³ He went on to explain what would happen next:

The regime would offer a truce or settlement and continue to place military pressure to force us to acquiesce. This was the concept. After we received an offer from these intermediaries, the following day there would be a military escalation to strike fear in people's hearts and make them plead for a solution.¹¹⁴

The military pressure reached new levels when Daraya was cut off from Moadamiya by February 2016. At that point, the city's leadership felt they had no choice but to "surrender" and accept the terms of "reconciliation", including the evacuation of some fighters, one of the negotiators said.¹¹⁵ When ground forces started advancing on the city again in May – the first indication of imminent military action against Daraya since the cessation of hostilities started in late February – Daraya's negotiators reached out to the Mufti expressing their willingness to accept an agreement and asking for a meeting with the Fourth Division. But the bombardment resumed; a meeting never happened. Negotiators turned to other intermediaries, including Russia and the Lebanese group Hezbollah, yet these efforts, too, did not come to fruition.¹¹⁶

One of the pro-government interlocutors with whom Daraya negotiators were in touch was a television presenter – a darling of state media due to her sensationalist shows chastising the rebels. She was involved in other local "reconciliation" agreements and was introduced to Daraya's negotiators through the reconciliation committee of the southern Damascus district of al-Qadam.¹¹⁷ On 24 and 25 August, she came to Daraya and met with a negotiating committee made up of six people (civilians and fighters). Ultimately, the only offer she relayed was that within days fighters and civilians must evacuate – fighters with their light weapons to rebel-held Idleb alongside their families, and civilians to a government shelter in al-Horjela or to Idleb. The deal entailed that those going to al-Horjela would have their security record "settled" and that they would be allowed to move freely afterwards.¹¹⁸

The negotiators told Amnesty International they tried to push for civilians to be allowed to remain in Daraya, but they were told by the government's interlocutor that everyone must leave so that the government could proceed with rebuilding Daraya and that within months residents would be able to return. According to the negotiators they suggested that civilians move to the undamaged areas in Daraya that were under

109 Phone interview with a negotiator, 15 June 2016.

110 Phone interview with a negotiator, 15 June 2016.

111 Phone interview with a negotiator, 31 May 2017, and phone interview with another negotiator, 15 June 2017.

112 Phone interview with a negotiator, 31 May 2017.

113 Phone interview with a negotiator, 31 May 2017.

114 Phone interview with a negotiator, 31 May 2017.

115 Phone interview with a negotiator, 15 June 2017.

116 Phone interview with a negotiator, 15 June 2017.

117 Phone interview with a negotiator, 31 May 2017.

118 The agreement was also supposed to apply to the residents of Daraya who became trapped in Moadamiya after government forces separated the two towns in February. However, those trapped in Moadamiya were only allowed to leave at a later stage in September, when Moadamiya agreed on a separate deal. See, for example, Reuters, "Syrians in rebel Damascus suburb start to evacuate in deal", 2 September 2016, reut.rs/2vYnASH

government control, but that, too, was turned down. “That’s evidence that what they [the authorities] wanted was to empty Daraya completely,” one of the negotiators said.¹¹⁹ Negotiators said attempts to have a written, signed document failed – the deal remained verbal, including a promise to release detained women and children.

The chief negotiator called for a meeting with the city’s residents to announce the outcome of the talks, former residents said. People gathered in a mosque on 25 August and were informed they had to evacuate over the next couple of days and that they could only take minimal personal belongings with them. According to witnesses who attended the meeting, heated discussions ensued, including questions about guarantees (there were none), the mechanism of evacuation, and whether there was any way for civilians to stay. Attendees told Amnesty International that shock gave way to grief as people realised the decision was final.

On 26 and 27 August residents of Daraya evacuated accompanied by heavy security presence – Syrian army vehicles surrounding the convoys and military helicopters hovering overhead throughout the journey. Two activists and two members of the local council who spoke with Amnesty International said the only available figures were of the numbers of families who left Daraya: around 250 families headed to Idleb and some 175 others went to al-Horjela. The combined tally of individuals, they estimated, was around 2,500 people, of whom 800 were fighters.¹²⁰

Though not part of the agreement, on evacuation day “United Nations humanitarian teams monitored the situation” in Daraya and al-Horjela “to ensure that protection concerns could be recorded and addressed.”¹²¹ For some time prior to the final agreement, local council members had been in contact with UN officers, who at times visited in person and inspected the humanitarian conditions on the ground.¹²² The Syrian Arab Red Crescent, which transported the wounded and distributed snacks and water to some of the evacuees, took part in the evacuation. The International Committee of the Red Cross did not.

The military’s chief of staff was reportedly present on the first day of evacuation alongside Russian military officers.¹²³ The official Syrian Arab News Agency reported that the governor of Damascus Countryside inspected Daraya after the evacuation was completed and said that engineers would be visiting to draw up reconstruction plans.¹²⁴ Two weeks later, President Bashar al-Assad performed Eid prayers in the city alongside a slew of officials and the Mufti, whose sermon praised recent “reconciliation” agreements.¹²⁵ In remarks to the press while touring the city, al-Assad said: “We come here today to replace the false freedom they tried to market at the beginning of the crisis, including about Daraya, with the real freedom; the freedom that starts with restoring security and safety, goes through reconstruction and ends with the independent national decision.”¹²⁶

But the former Daraya residents who spoke with Amnesty International said there was no freedom in being displaced from their town. “When we talk about an ‘agreement’, in reality there was no agreement at all; it was either we leave or we die,” an activist said.¹²⁷ All the testimonies echoed the same sentiment: what people wanted was for the siege to end, the bombardment to stop. “The idea that the whole town would be emptied was beyond anyone’s imagination. If they [the government] wanted the fighters out, why did they have to displace civilians as well?” another former resident said.¹²⁸ She added:

We didn’t take anything with us, we just took a bag of clothes. We couldn’t take much. We did not have time and we were in shock. I didn’t sleep that night [before we left], I just sat there in shock and I had no idea what to do. I was in no state to run around and pack. Many people were like that. It was such a

119 Phone interview with a negotiator, 31 May 2017.

120 The UN gives a different figure, although its numbers, too, appear to be estimates. A report to the Secretary-General states that, on 26 and 27 August, 1,906 people were evacuated from Daraya; but the same report revised down by 4,000 the total number of people besieged in Syria after that evacuation. See UN Security Council, *Implementation of Security Council resolutions 2139 (2104), 2165 (2014), 2191 (2014), 2258 (2015)*, 16 September 2016, UN Doc. S/2016/796 (hereinafter: UN Doc. S/2016/796).

121 UN Doc. S/2016/796, para. 7.

122 Phone interview with a negotiator, 15 June 2017. An international expert with knowledge of the talks corroborated this information.

123 Phone interview with a negotiator, 31 May 2017.

124 SANA, “Daraya fully evacuated of weapons and militants”, 27 August 2016, sana.sy/en/?p=86589

125 SANA, “President Al-Assad in Daraya: We will retake all areas from the terrorists”, 12 September 2016, sana.sy/en/?p=87935 (hereinafter: SANA, “President Al-Assad in Daraya: We will retake all areas from the terrorists”).

126 SANA, “President Al-Assad in Daraya: We will retake all areas from the terrorists”.

127 Interview with an activist, Turkey, 26 April 2017.

128 Phone interview, 30 May 2017.

calamity. Some may think we were happy to be finally getting out and getting food, but that was not the case. For us, it was a catastrophe.¹²⁹

Despite the destruction and suffering, former residents said they did not want to leave. A woman whose house was destroyed and whose immediate relatives were seriously affected by the bombardment – her husband was killed, one of her sons was injured in another incident, and her youngest daughter became hard of hearing – said she would have stayed in Daraya had she been given the choice. “But there was an order, and we had to leave,” she said.¹³⁰ Another former resident said: “We lived under the siege and barrel bombs and in the end our fate was to leave Daraya? We did not want that, but we were forced. We were forcibly displaced. We had no choice, none at all.”¹³¹

Many said the journey to Idleb, which lasted more than 20 hours, was terrifying.¹³² “We did not know where we were going, what would happen on the road. There were no guarantees that the regime wouldn’t hurt us along the way. It was a gamble,” a former resident said.¹³³ She described an incident along the road when a bus broke down: “When they moved the passengers to another bus, they did not even allow them to step out. They aligned the doors of the two buses and passengers were stepping from one door to another... There was a lot of fear; they [government forces] did not trust us and we did not trust them.”¹³⁴

The buses made very few stops for people to step down to relieve themselves and, when they did, evacuees, both women and men, were flanked by male soldiers in open areas with no privacy. “That was the extent of the humiliation they subjected us to,” a former resident said.¹³⁵ Several evacuees said when the buses drove through checkpoints in government-held areas, some soldiers and members of pro-government militias harassed them by making obscene gestures or holding up their shoes in the air.

4.4 POST-EVACUATION

According to activists and former Daraya residents, the Syrian government did not fulfil all the terms of the deal, including the release of detained women and children. Violations such as looting were also documented in the aftermath of the evacuation. At the time of writing, there appears to be no concrete reconstruction on the ground in Daraya and former residents continue to live in displacement in challenging conditions.

Soldiers in Syrian military uniform were seen stealing and hauling away anything they could get their hands on even as the final stages of the evacuation were still taking place, three first-hand witnesses told Amnesty International.¹³⁶ One of the witnesses described the soldiers who were coming out of buildings carrying electrical equipment, generators, carpets and furniture: “They were like locusts.” Former residents said this was consistent with the behaviour of government troops throughout the years of siege and bombardment: Whenever a part of the town fell under government control, government troops would take valuables and furniture from homes; and even rip out and take tiles, electrical wiring, and doors of houses.¹³⁷ Such acts by government forces amount to pillaging, a violation of international humanitarian law.¹³⁸

Some former residents who had connections in the military were allowed to return to the city for a brief period after the evacuation to check on their homes and businesses. Three former residents said that, when their family members went in, they found their homes and warehouses empty. When a CNN crew visited Daraya in October 2016 and did a story on an underground library that former residents had set up under the siege, the television crew witnessed first-hand government troops “clearing out the books, loading them

¹²⁹ Phone interview, 30 May 2017.

¹³⁰ Phone interview, 31 May 2017.

¹³¹ Phone interview, 9 June 2017.

¹³² All of the former residents Amnesty International interviewed had evacuated to the north. Amnesty International did not interview evacuees who live in government-controlled al-Horjela due to security concerns.

¹³³ Phone interview, 6 June 2017.

¹³⁴ Phone interview, 6 June 2017.

¹³⁵ Phone interview, 9 June 2017.

¹³⁶ Details of the witnesses have been withheld to protect their confidentiality and safety.

¹³⁷ Interviews with former Daraya residents, May-July 2017.

¹³⁸ ICRC, *Customary IHL Study*, Rule 52 (pillage). See also Rome Statute of the International Criminal Court, Article 8(2)(e)(v) (characterizing pillaging as a war crime).

on pick-up trucks”.¹³⁹ Former residents told Amnesty International they bitterly watched as videos and pictures were posted online showing the looted books and other items from Daraya being sold in street markets in the Damascus suburbs.

Of particular concern are the conditions of former residents who were taken to government shelters in al-Horjela. According to the agreement, these evacuees were meant to be spared any retribution. However, according to activists, some of these evacuees, mostly women and children, were arrested at checkpoints in the Damascus suburbs despite having undergone a “security settlement”. The Syrian Network for Human Rights says it recorded at least 25 arrests in December 2016, which included 16 women and two children.¹⁴⁰ Some men of fighting age (18-42, according to Syria law) were taken to serve in the Syrian military, several former residents told Amnesty International.

Amnesty International was given a list of the names of 14 of the Daraya evacuees who are said to have been arbitrarily arrested after leaving al-Horjela.¹⁴¹ Amnesty International was able to confirm and document one of these cases. The person, a civilian, was detained for over a month, then released after being interrogated about life under rebel control in Daraya, including questions about fighters and their weapons.

More egregiously, Amnesty International documented another case of a Daraya evacuee who had gone to al-Horjela and was later arbitrarily arrested and held for eight months.¹⁴² The woman was stopped at a checkpoint after leaving al-Horjela in the fall of 2016 and taken to an undisclosed security branch where she was interrogated and tortured for three months, she said. Interrogators were trying to extract information about fighters and their families and force the detainees to implicate others, she said. The methods of torture and ill-treatment she described included beatings, sleep deprivation, and being stripped naked and left under cold water for extended hours. She was forced to sign blank papers with her fingerprint, then transferred to a jail and prosecuted in a terrorism court on charges of aiding and abetting fighters.¹⁴³

Those displaced to the rebel-held north told Amnesty International they are struggling with poor living conditions. Around 680 families from Daraya are currently scattered around different parts of Idlib governorate, including Idlib city and camps in rural areas.¹⁴⁴ They have been largely dependent on dwindling aid. Several evacuees told Amnesty International jobs have been hard to come by, making it difficult to afford rents that have been averaging around US\$150 a month – a small fortune for the displaced.

As Daraya continues to lie in ruins, concerns have been mounting about what reconstruction might entail, particularly if implemented in the absence of input from the city’s displaced inhabitants. Daraya was included in a 2012 “urban planning” decree, whose stated goal is to redevelop informal settlements in the Damascus area.¹⁴⁵ But critics worry that urban planning is being used to further target and displace government opponents.¹⁴⁶ One former member of Daraya’s local council said many of the city’s former inhabitants are going to find it difficult to prove their property rights due to destruction and loss of documents.¹⁴⁷ Any reconstruction plans, he said, must include guarantees for the displaced to ensure their right to return and to a remedy.

139 Frederik Pleitgen and Claudia Otto, “Syria: How besieged city’s underground library gave hope amid war”, CNN, 11 October 2016, cnn.it/2dBWZ6a

For more on how the 15,000-volume library was set up by residents who collected books from the wreckage of war to provide a haven and a rare place of learning, see Borzou Daragahi, Sarah Dadouch, “This is what a Syrian city’s first free library looks like”, BuzzFeed, 4 April 2016, bzfd.it/2jvAuWv

140 Syrian Network for Human Rights, *The Syrian regime arrests 25 residents from Darayya city despite the settlement operations*, 23 January 2017, <http://sn4hr.org/blog/2017/01/24/31445/>

141 Details are on file with Amnesty International, but have been withheld to protect the confidentiality and safety of the individuals involved.

142 Details of the interview have been withheld to protect the confidentiality and safety of the former detainee.

143 Details of the trial have been withheld to protect her identity.

144 Phone interviews with community volunteers, 17 and 26 May 2017.

145 See, for example, Tom Rollins, “Decree 66: The blueprint for al-Assad’s reconstruction on Syria?”, IRIN, 20 April 2017, bit.ly/2oIMf9t (hereinafter: Tom Rollins, “Decree 66: The blueprint for al-Assad’s reconstruction on Syria?”).

146 Tom Rollins, “Decree 66: The blueprint for al-Assad’s reconstruction on Syria?”.

147 Phone interview, 17 June 2017.

5. ALEPPO CITY

“A bomb fell in front of the building where [my daughter] was playing. I can’t remember the last words she told me... I lost her just like that for nothing.”

A mother whose four-year-old daughter was killed in October 2016

Aleppo city, the capital of Aleppo governorate and once the epicentre of the country’s trade and industry, was reduced to ruins after four years of devastating fighting between 2012 and 2016, during which the city was divided into two parts: the eastern part, controlled by armed opposition groups, and the western part, controlled by the Syrian government.

Amnesty International and other monitoring groups documented numerous aerial attacks by the Syrian government and its ally Russia on eastern Aleppo city that were in violation of international humanitarian law, some amounting to war crimes.¹⁴⁸ These attacks involved the use of air-delivered munitions such as barrel bombs, rockets, missiles and fuel-air bombs to attack civilian areas; they struck residential buildings, hospitals, schools, public markets and places of worship. While the scale and intensity of attacks cannot be compared with those of the government, armed opposition groups in eastern Aleppo city were also responsible for serious violations of international humanitarian law. Amnesty International documented the use of imprecise explosive weapons such as mortars, gas canisters and improvised “Hamim” rockets by armed opposition groups on residential neighbourhoods in government and Kurdish-held areas of Aleppo city.¹⁴⁹

Civilians lived in appalling humanitarian conditions in the midst of relentless attacks on densely populated areas in Aleppo city overall. However, the situation for civilians in eastern Aleppo city took a turn for the worse on 7 July 2016, when the Syrian government, with the support of Russia and Iran, encircled the eastern part of the city after capturing Castello Road, which served as the city’s primary access route for humanitarian assistance.¹⁵⁰ As a result, civilians – estimated by the UN Office for the Coordination of Humanitarian Affairs in July 2016 to number between 250,000 to 275,000 – were deprived of access to basic needs such as food, medication, fuel, clean water and electricity. Tens of thousands of civilians had to struggle with daily, often hourly, aerial strikes and shelling on populated areas.

The years of attacks endured by civilians in Aleppo city came to an end on 13 December 2016 after armed opposition groups negotiated a deal with the Russian government. The deal involved an agreement on the

148 Amnesty International, *Death everywhere: War crimes and human rights abuses in Aleppo, Syria* (Index: MDE 24/1370/2015); UN Human Rights Council, *8th report of Commission of Inquiry on Syria*, UN Doc. A/HRC/27/60; Human Rights Watch, *Syria/Russia: War Crimes in Month of Bombing Aleppo*, 1 December 2016, www.hrw.org/news/2016/12/01/russia/syria-war-crimes-month-bombing-aleppo; Amnesty International, *Syria: UN must act to end onslaught aimed at purging civilians from eastern Aleppo* (Press release, 20 October 2016).

149 Amnesty International, *Death everywhere: War crimes and human rights abuses in Aleppo, Syria* (Index: MDE 24/1370/2015); Amnesty International, *Syria: Armed opposition groups committing war crimes in Aleppo city* (Press release, 13 May 2016).

150 Al Jazeera, “Syrian army ‘cuts off last supply route to east Aleppo’”, 17 July 2016, www.aljazeera.com/news/2016/07/syrian-army-cuts-supply-route-east-aleppo-160727133458560.html; SANA, “The army establishes control over new areas in Aleppo, targets terrorists in other areas”, 9 July 2016, sana.sy/en/?p=82051

evacuation of fighters to other parts of Aleppo governorate, an end to attacks and the lifting of the siege. The day of the announcement was described by residents as the “day of salvation”. But the peace and quiet restored to the city only came after civilians paid a brutal cost. The relentless attacks and horrific humanitarian conditions perpetrated by the Syrian government over several months compelled civilians to evacuate. Amnesty International interviewed 30 residents, including humanitarian workers, doctors and activists, who were displaced from eastern Aleppo city as part of the evacuation deal. According to journalists who visited Aleppo city in 2017, reconstruction of the Old City has begun while the rest of the neighbourhoods still lie in ruins.¹⁵¹

5.1 SIEGE: HUMANITARIAN CONDITIONS AND ACCESS

During the siege which started on 7 July and ended on 22 December 2016, the Syrian government and its allies prevented UN interagency convoys from delivering food and non-food items to the tens of thousands of civilians in eastern Aleppo city. Throughout that period, Staffan de Mistura, the UN Special Envoy for Syria, tried to negotiate several humanitarian pauses with parties to the conflict but to no avail.¹⁵² For example, on 13 September 2016, he implied that the Syrian government was responsible for the delays in delivering aid to eastern Aleppo city.¹⁵³ Amnesty International interviewed former residents and humanitarian workers of eastern Aleppo city who described the horrific impact of the siege – a flagrant violation of Syria’s obligation under international human rights law and international humanitarian law – due to the lack of aid and other basic necessities.

During the first two months of the siege, humanitarian organisations were able to maintain the distribution of aid to civilians, given that they had managed to store food and non-food items in warehouses, when the threat of an imminent siege loomed in February 2016 with the Syrian government’s advance in northern Aleppo governorate.¹⁵⁴ A local aid worker said: “We had food and medicine to distribute to families but we were concerned every day that that aid would run out because we had no idea when the siege would end.”¹⁵⁵

Living conditions for the tens of thousands of civilians significantly deteriorated during the last three months of the siege. Conditions became particularly difficult, residents said, between October 2016 and mid-December 2016, when the dwindling supplies of humanitarian aid organisations were further reduced by the Syrian government and Russian forces’ attacks on warehouses.¹⁵⁶ Consequently, organisations had to curtail the amount of food distributed per family to ensure continuity, according to three humanitarian workers interviewed by Amnesty International. One of them said:

All humanitarian aid organisations were working together throughout the siege. We shared the warehouses to store food... By the end of October, two months after the second siege began, several of the warehouses were attacked. 70% of the aid was destroyed. We had to re-adjust the amount of aid provided to families so thousands of families started receiving 30% of what they were getting when the siege first began.¹⁵⁷

151 Ruth Maclean, “Amid the rubble, Aleppo tries to return to normal life”, *The Guardian*, 1 May 2017, www.theguardian.com/world/2017/may/01/amid-the-rubble-aleppo-tries-to-return-to-normal-life; Angus McDowall, “Aleppo limping recovery shows limits of battered Syrian state”, *Reuters*, 26 July 2017, ca.reuters.com/article/topNews/idCAKBN1AB142-OCATP

152 Stephanie Nebehay, “U.N. welcomes Russian words on Aleppo truce, trucks ‘ready to move’”, *Reuters*, 18 August 2016, www.reuters.com/article/us-mideast-crisis-syria-un-idUSKCN10T0ZC

153 Patrick Wintour and Julian Borger, “Syrian regime is blocking aid from entering eastern Aleppo, claims UN”, *The Guardian*, 13 September 2016, www.theguardian.com/world/2016/sep/13/syrian-regime-is-blocking-aid-from-entering-eastern-aleppo-claims-un

154 During the last week of January 2016, Syrian government forces supported by Russian air strikes began a ground offensive in the northern part of Aleppo governorate to break the siege imposed by non-state armed groups on the towns of Nubul and Zahraa. This cut off the supply route from both this area and Turkey to Aleppo city. On 1 February, the Syrian government forces and the Syrian Democratic Forces, which include Kurdish, Arab and Assyrian groups, continued their offensive in the same area. For more information see Amnesty International, *Syrian and Russian forces targeting hospitals as a strategy of war* (Press release, 3 March 2016).

155 Phone interview, 19 August 2016.

156 Residents describe the first siege as the period between 7 July and 6 August when armed groups broke the government siege of eastern Aleppo city and opened a supply route to the rebel-held western part of Aleppo governorate after capturing Ramouseh. On 8 September 2016, government forces successfully seized control of Ramouseh and besieged the city once again after a major offensive against the armed groups. The second siege referred to by some residents is the period between 8 September and 14 August.

157 Phone interview, 18 October 2016.

Given the highly inflated prices, thousands of civilians could not afford to buy food or other basic necessities and depended on the little aid provided by humanitarian organisations; families with limited or no income were affected the most.

A mother of three who became the sole carer of her grandson after her son and daughter-in-law were killed in two separate attacks in 2015 told Amnesty International:

The siege was horrible for people who had no income such as my family. Humanitarian aid organisations were not able to continue their work due to the relentless attacks including on their warehouses... It was very difficult to provide the basic needs for children such as nappies and milk. The price of vegetables was so high that it was impossible for me to afford it. The siege didn't affect me as much as it affected the children. My grandson, almost two years old, was deprived of baby milk and other necessary nutrients because I either couldn't afford it or humanitarian aid organisations no longer had it.¹⁵⁸

On 6 August 2016, armed groups broke the government siege of eastern Aleppo city and opened a supply route to the rebel-held western part of Aleppo governorate after capturing Ramouseh.¹⁵⁹ Humanitarian workers and paramedics told Amnesty International that the Syrian government and its allies continued to target the Ramouseh supply route, restricting access to aid and other basic necessities. On 8 September 2016, government forces successfully seized control of Ramouseh and besieged the city once again after a major offensive against the armed groups.

Between October and December 2016, the World Food Programme reported high inflation rates for goods including wheat flour, rice, bulghur and fuel due to the severe shortages.¹⁶⁰ A lawyer and former resident said: "The black market was the only open market. Prices skyrocketed. Of course, suppliers took advantage of the situation to make profits but nobody was buying because the families who stayed behind are the ones who didn't have the resources to leave their homes and pay rent elsewhere."¹⁶¹

A father and former humanitarian aid worker told Amnesty International: "It was very difficult to find nappies... The increase in price made no sense. I used to buy one nappy for 1,000 pounds, that's US\$2. Before the siege, you wouldn't buy single nappies; you would buy a box and a whole box that had 50 nappies would sell for US\$1.5."¹⁶²

A mother and single parent since her husband was killed in 2014 in a barrel bomb attack on his way back from work told Amnesty International:

I have three children: two boys and a girl – 10, seven and four years old, respectively. The siege was horrible in all aspects. Prices skyrocketed and organisations stopped distributing aid a month before we evacuated. The grown-ups can handle hunger but how do you explain to a child that we don't have food or money? I relied on whatever my neighbours and relatives gave me. It wasn't much but enough for us to survive.¹⁶³

Two members of the local council told Amnesty International that they had flour and grains stored but they could not operate the bakeries every day due to the shortage of fuel and machinery.¹⁶⁴ According to the World Food Programme, eastern Aleppo city suffered from severe shortages of bread starting from November 2016.¹⁶⁵ A member of the committee in charge of the flour and grain reserves at the local council told Amnesty International that bakeries were able to supply bread until 10 December when the Syrian government gained control of the mills used to grind grain that was used instead of flour after reserves were depleted. He said:

¹⁵⁸ Phone interview, 19 June 2017.

¹⁵⁹ Lisa Barrington, "Intense fighting as Syrian rebels breakthrough Aleppo siege", Reuters, 6 August 2016, www.reuters.com/article/us-mideast-crisis-syria-aleppo-idUSKCN10HOCQ

¹⁶⁰ See, for example, World Food Programme, *Market Price watch bulletin*, October 2016, documents.wfp.org/stellent/groups/public/documents/ena/wfp288939.pdf?_ga=2.88609563.1852552217.1500544071-869812689.1500544071

¹⁶¹ Phone interview, 30 May 2017.

¹⁶² Interview in Turkey, 28 April 2017.

¹⁶³ Phone interview, 4 July 2017.

¹⁶⁴ Phone interview, 20 June 2017.

¹⁶⁵ World Food Programme, *Market Price watch bulletin*, November 2016, documents.wfp.org/stellent/groups/public/documents/ena/wfp289505.pdf?_ga=2.81130519.1852552217.1500544071-869812689.1500544071

When the siege intensified, conditions became appalling. In terms of food, there were no huge shortages; we had flour and grains. There were days we used flour and days we would grind the grains, but the mills we had were old and could not keep up with grinding 50 tons every 24 hours, so we would do it every 48 hours... When the regime got closer and reached al-Sakhour and al-Shaar, we left Qadi Askar and left the mill behind, which was then taken by the regime. So we were left with one mill. We would bake every three days because we no longer had flour, we just had grains. At that point, we started having a real bread crisis.¹⁶⁶

During the entire period of the siege, civilians faced severe shortages of electricity and water. They had to rely on local generators which ran on fuel to produce electricity to run hospitals and bakeries. A media activist told Amnesty International:

There was no fuel during the siege. As soon as the siege started the prices went up. Petrol went from 500 pounds [US\$2.5] or less up to 7,000 pounds [US\$33]. Diesel went from 200 pounds [US\$1] to 2,000 pounds [US\$10]. This affected all aspects of life; there was no transport any more. People would have to walk from one end of the city to another or use bicycles.¹⁶⁷

Four paramedics told Amnesty International that the shortage of fuel and lack of spare parts affected the capacity of ambulances to assist the sick and the injured. One of them said: “The heart-breaking part was our inability to respond to attacks due to the malfunctioning of ambulances and the lack of fuel. As a result, our capacity diminished by 50% in the first two months of the siege.”¹⁶⁸ Another paramedic added: “During the last two months of the siege, we couldn’t transfer the injured or ill people to the hospital because we barely had fuel to operate the ambulances. That was a disaster especially that people needed us the most during that period when air and ground attacks insanely increased.”¹⁶⁹

The severe electricity cuts also disrupted clean water supplies to households from the main water company in the rebel-held neighbourhood of Saif al-Dawla. A member of the local council said: “The biggest struggle was coping with the shortage of fuel that we needed to operate generators, ambulances, hospitals and to electrically extract water from improvised wells. During the siege, the government did not allow the Syrian Arab Red Crescent to refuel the company so water was permanently cut in both western and eastern Aleppo city.”¹⁷⁰ As a result, residents depended on fuel to operate generators to electrically pump water from improvised wells.

A journalist said: “Before the siege, we had electricity eight hours per day but during the siege we had electricity for two hours. Generators were destroyed in the attacks... I paid a lot of money to buy fuel so we could have light in the basement where we sought refuge from the relentless attacks... If there was no electricity then there was no water... We relied on improvised wells which was very expensive.”¹⁷¹

5.2 ATTACKS ON CIVILIANS AND CIVILIAN OBJECTS

For residents of eastern Aleppo city, the impact of the siege constituted only a part of the suffering they endured. The worst suffering was caused by relentless bombing of civilians and civilian objects. In this section, Amnesty International describes the Syrian and Russian government’s brutal, calculated and co-ordinated campaign of unlawful aerial attacks on civilians and civilian objects in eastern Aleppo city, which included attacks that constituted war crimes. The relentless attacks on populated areas, in particular medical facilities specially protected under international humanitarian law, were part of a deliberate strategy to destroy the city’s infrastructure and empty eastern Aleppo city of its inhabitants.

¹⁶⁶ Interview in Turkey, 27 April 2017.

¹⁶⁷ Interview in Turkey, 25 April 2017. All conversions to US dollars in this quotation reflect rates during the period concerned.

¹⁶⁸ Phone interview, 14 May 2017.

¹⁶⁹ Phone interview, 14 May 2017.

¹⁷⁰ Phone interview, 20 June 2017.

¹⁷¹ Phone interview, 20 June 2017.

5.2.1 VIOLATIONS BY GOVERNMENT FORCES

According to the Syrian Network for Human Rights 1,244 civilians in eastern Aleppo were killed in attacks between July and December 2016.¹⁷²

The onslaught on eastern Aleppo city was described by residents as a “scorched-earth” policy. A lawyer and former resident told Amnesty International:

The lack of food was not the main problem. You need months before you die of starvation. The air strike attacks were a different story. You could die from a piece of shrapnel in a fraction of a second. Nobody was protected from the air strikes and shelling. Civilians, rebels, buildings, cars, bridges, trees, gardens etc. were all a target.¹⁷³

Amnesty International documented 10 attacks between July and December 2016. The attacks targeted populated neighbourhoods, including residential buildings, a market and hospitals, inside the city and far away from the front lines and with no apparent military objectives in the vicinity. The number of attacks documented represent a small percentage of the overall number of attacks on eastern Aleppo city, which has been calculated to be at least 2000 for the period between July and December 2016 by the Syrian Institute for Justice and Accountability, an independent local monitoring group.

A media activist and former resident of Aleppo city said: “We woke up to the sound of the bombardment and we slept after burying people who were killed.”¹⁷⁴ He described how he witnessed an air strike which destroyed six apartments on 19 July 2016 near his home in Bab al-Hadid neighbourhood, a residential district of the Old City of Aleppo. The shrapnel from the attack sprayed out over a circular area that he estimated had a 200m radius. He said he believed it was a cluster munition attack because he saw the bomb split in the sky and then create a series of small explosions.

Another media activist and former resident recounted an attack on his car on 16 August 2016 in Saif al-Dawla neighbourhood, several kilometres from the front line, as he drove back with fellow activist Shamel al-Ahmad¹⁷⁵ and his wife to their home. He told Amnesty International:

I was in the car driving around 1.22am with my friend and his wife when a barrel bomb fell near the car. I was injured in my hip by shrapnel and they were critically injured... The paramedics who took us to the field hospital said it was a helicopter that carried out the attack. The paramedics had to wait for hours before they were able to transfer me to Zarzour hospital and my friends to Turkey [Ramouseh Road was open at the time] because their situation was critical. They both suffered from ... poisoning caused by the shrapnel, which stayed in their body for a long period of time before the doctors were able to remove it. Two weeks later my friend and his wife died.¹⁷⁶

Residents told Amnesty International that the air strikes and shelling attacks escalated following the collapse of a week-long ceasefire agreement on 18 September 2016. The Commission of Inquiry reported that the aerial campaign launched on 23 September 2016 killed approximately 300 people in the first four days of the offensive.¹⁷⁷ Satellite imagery analysed by Amnesty International shows at least 90 structures were damaged or destroyed in an area of eastern Aleppo city of 65km² between 18 and 25 September; more than another 20 structures were damaged or destroyed in the same area between 25 September and 1 October.¹⁷⁸

172 Email correspondence with the Syrian Network for Human Rights on 14 August 2017.

173 Phone interview, 20 June 2017.

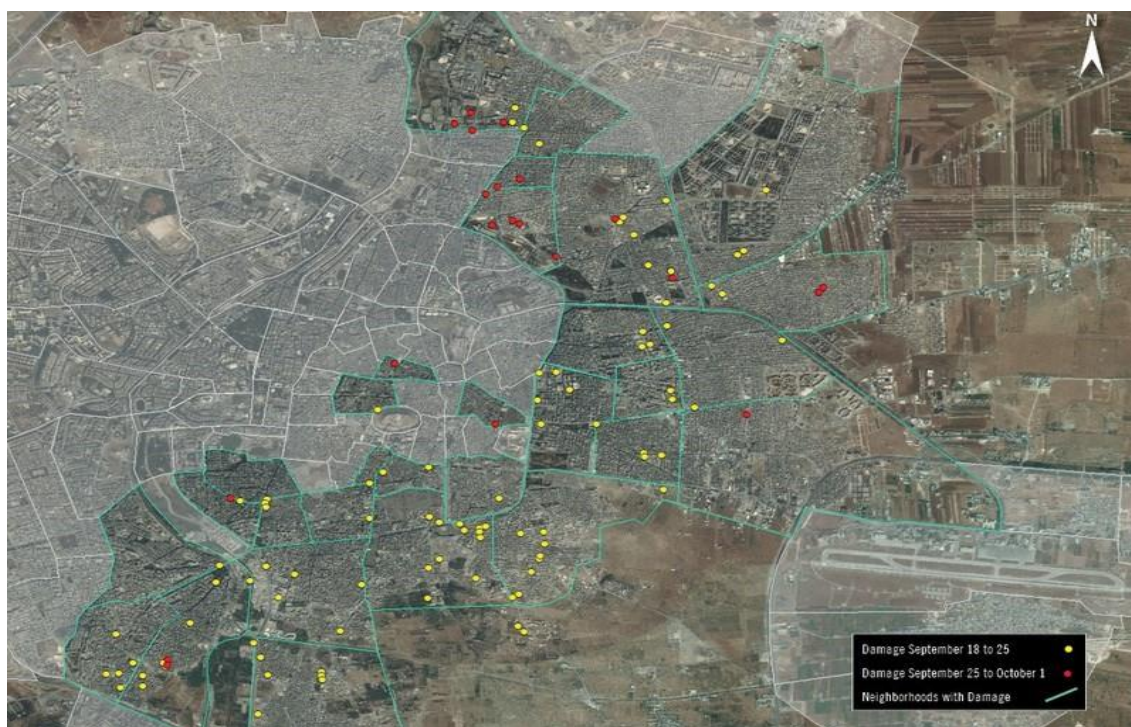
174 Phone interview, 20 July 2016.

175 Shamel al-Ahmad was a prominent media activist and one of the main founders of the Aleppo Media Council.

176 Phone interview, 7 July 2017.

177 UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic “Special inquiry into the events in Aleppo”*, UN Doc. A/HRC/34/64, para. 27

178 Amnesty International, *Syria: UN must act to end onslaught aimed at purging civilians from eastern Aleppo* (Press release, 20 October 2016). (hereinafter: Amnesty International, *Syria: UN must act to end onslaught aimed at purging civilians from eastern Aleppo*).



Satellite imagery analysis comparing data from 18 September, 25 September and 1 October 2016, and showing structures in an area of eastern Aleppo city of 65km² that were damaged or destroyed between 18 and 25 September (at least 90) and between 25 September and 1 October (more than another 20) © DigitalGlobe 2016.

The frequency and scale of attacks on civilian areas far from the front line intensified further in November 2016 as government forces pushed into eastern Aleppo city, seizing control of neighbourhoods from the armed groups. Comparing satellite imagery of eastern Aleppo from 1 October 2016, on the one hand, and 21 January 2017, on the other, Amnesty International determined that over 1,300 structures had been damaged or destroyed in the same 65km² area during that period.



Satellite imagery analysis comparing data from 1 October 2016 and 21 January 2017, and showing structures in an area of eastern Aleppo city of 65km² that were damaged or destroyed during that period.

At that point, civilians in Aleppo lived in constant fear of daily attacks as rumours of the fall of the city loomed. A humanitarian worker described to Amnesty International how she took her seven-month-old baby with her everywhere she went as she was terrified of losing him. She said: “Every time I saw a woman or

child injured, I thought it could have been me and my son. Nowhere was safe in Aleppo city; every one was a target.”¹⁷⁹

A mother whose four-year-old daughter was killed on 14 October 2016 and whose husband was detained by government forces in 2012 before their daughter’s birth described the pain of her loss to Amnesty International: “I have lived all my life in Aleppo city... I lost [my daughter]... A bomb fell in front of the building where she was playing. I can’t remember the last words she told me... I lost her just like that for nothing... absolutely nothing. I wish I had died with her.”¹⁸⁰

According to the Commission of Inquiry, the Syrian government carried out chlorine attacks on residential neighbourhoods including al-Sukkari, al-Kalasa, and Bustan al-Qasr.¹⁸¹ The report adds that the Syrian and Russian governments also used cluster munitions, a weapon prohibited under international law, on civilian areas in eastern Aleppo city. Amnesty International reviewed images showing remnants of cluster bombs and submunitions used in civilian areas in October 2016 and consulted independent weapons experts who identified these as Russian made AO-2.5RT submunitions or the very similar AO-2.5RTM, along with remnants of the RBK-500 cluster bomb from which they were dispensed.¹⁸²



Cluster munition remnants in eastern Aleppo city © Private.

A media activist was getting into a car at a busy market in Zebdiah district with his friend on 25 September 2016 when a warplane dropped two cluster bombs. He and his friend were both struck by shrapnel. He said, “All I remember after that was the feeling of agonizing pain in my leg and hip. I kept hearing small explosions... People were lying on the ground, some crawling and others not moving.”¹⁸³

A former university student, who had to drop out of his studies when the conflict started, also witnessed a cluster bomb attack on the same day as he was driving an injured friend from al-Mashhad neighbourhood to the hospital. He said, “I heard the sound of a warplane and then the [car’s] window pane shattered all over us. I heard a series of small explosions that went on for almost a minute... More than 40 people were injured.”¹⁸⁴

Doctors reported that, while medicine and supplies were available in limited quantities, the majority of hospitals were destroyed in the attacks, severely impacting the state of health care in eastern Aleppo city. A

¹⁷⁹ Amnesty International, *Syria: UN must act to end onslaught aimed at purging civilians from eastern Aleppo*.

¹⁸⁰ Amnesty International, *Syria: UN must act to end onslaught aimed at purging civilians from eastern Aleppo*.

¹⁸¹ UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic “Special inquiry into the events in Aleppo”*, UN Doc. A/HRC/34/64, paras 54-56.

¹⁸² Amnesty International, *Syria: UN must act to end onslaught aimed at purging civilians from eastern Aleppo*.

¹⁸³ Amnesty International, *Syria: UN must act to end onslaught aimed at purging civilians from eastern Aleppo*.

¹⁸⁴ Amnesty International, *Syria: UN must act to end onslaught aimed at purging civilians from eastern Aleppo*.

pharmacist who worked in al-Sakhour hospital told Amnesty International: “We were not worried about depleting our reserves. We had enough medicine and fuel. The problem was the air and ground attacks. We did not have the capacity to respond after losing one hospital after another.”¹⁸⁵

According to the international NGO Physicians for Human Rights, in August 2015 there were 10 operational hospitals remaining in eastern Aleppo city out of the 33 functioning hospitals in 2010.¹⁸⁶ The 10 hospitals include seven field hospitals for trauma surgery, an ophthalmology hospital, an obstetrics and gynaecology hospital, and a specialised children’s hospital.¹⁸⁷ Hospitals were gradually rendered out of service due to repeated attacks on health facilities, leaving civilians without any functioning hospital by the last week of November 2016, residents said.

One eyewitness described to Amnesty International an attack on 3 October 2015. A bomb fell at the hospital entrance leaving behind a large crater and partially destroying a nearby field hospital. It was the third attack on the hospital that day. He said: “I arrived at al-Sakhour hospital three hours after the attack had happened... I saw 10 people who were injured and four others who were killed... The injured included two of the hospital’s medical staff... The closest front line was around 300m away.”¹⁸⁸

A staff member in al-Sakhour hospital witnessed another attack on 14 October 2016. He said:

I was on the underground floor, the surgical floor, when the attack happened. The first floor was for clinics but it was empty because we were repairing the hospital after it was attacked a few days before. I remember clearly the sound of an explosion and the ground shaking. I felt a burning sensation but I couldn’t think. I looked next to me and saw two burned men... They were two doctors who I worked with. The gas bottles in the hospital exploded and caused the fire. I found two other people killed by the explosion. The medical centre for psychiatric treatment next to the hospital was also destroyed. Two doctors were injured as a result.¹⁸⁹

The Commission of Inquiry documented two additional attacks on al-Sakhour hospital on 28 September 2016 and 1 October 2016, which resulted in the death of three patients and injuries to 14 people. These attacks allegedly involved a bunker-buster bomb, cluster munitions and chlorine.¹⁹⁰

A former staff member at Aleppo’s health directorate was in his home in al-Shaar neighbourhood on 30 September 2016 when a warplane carried out an attack in the vicinity, causing extensive damage to al-Daqaq hospital and Saida Zahra’ hospital, 200m away from each other. He told Amnesty International:

I was sitting on the balcony of my house from where I could see both al-Daqaq hospital and Zahra’ hospital when I heard the sound of a warplane. I ran into the house because I was sure an attack was imminent. A few seconds later, I heard a massive explosion. The glass in my apartment shattered. I waited for a minute or two before I went outside. I saw small fireballs scattered in the street, smoke coming out from al-Daqaq hospital, and Zahra’ hospital damaged. The fireballs kept burning. The civil defence came and used sand to extinguish the fireballs because water spread the flames. I saw at least 10 injured people, including medical staff, evacuated from al-Daqaq hospital. They sustained severe burn injuries.¹⁹¹

He added that there were no military objectives in the area or nearby front lines. Amnesty International reviewed four videos filmed in the main square of al-Shaar neighbourhood, a few metres from al-Daqaq

185 Interview in Turkey, 27 April 2017.

186 Physicians for Human Rights, *Aleppo Abandoned: A Case Study on Health Care in Syria*, November 2015, s3.amazonaws.com/PHR_Reports/aleppo-abandoned.pdf (hereinafter: *Physicians for Human Rights, Aleppo Abandoned: A Case Study on Health Care in Syria*).

187 Physicians for Human Rights, *Aleppo Abandoned: A Case Study on Health Care in Syria*.

188 Amnesty International, *Syria: UN must act to end onslaught aimed at purging civilians from eastern Aleppo*.

189 Interview in Turkey, 27 April 2017.

190 UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic "Special inquiry into the events in Aleppo"*, A/HRC/34/64, paras 33-34.

191 Phone interview, 16 July 2017.

hospital, in the aftermath of the 30 September attack.¹⁹² The videos show fireballs scattered on the street and producing smoke.

5.2.2 VIOLATIONS BY ARMED OPPOSITION GROUPS

The Commission of Inquiry documented six attacks by armed opposition groups on western Aleppo city, a densely populated area with approximately 1.5 million residents, and two attacks on Sheikh Maqoud, a predominantly Kurdish neighbourhood in the north of the city, between August and November 2016. At least 27 civilians in western Aleppo city were killed in the attacks, which the Commission characterised as “predominately indiscriminate, indirect artillery fire into dense urban terrain, often with no apparent legitimate military objective, the effect of which terrorised the inhabitants of western Aleppo city”. The attacks involved the use of multiple-barrel rocket launchers and improvised rockets and mortars such as “hell cannons” as well as direct-fire weapons used only from a short range in and around the front line.¹⁹³

According to the UN Children’s Fund (UNICEF), the military offensive launched by the armed opposition in August 2015 displaced 25,000 people, including 12,000 children, following intensive attacks on western Aleppo city.¹⁹⁴

5.3 DISPLACEMENT OF CIVILIANS

In July and October 2016, the Syrian and Russian governments publicly announced the joint co-ordination of a humanitarian operation and ceasefire to allow civilians and rebels to evacuate through designated humanitarian corridors.¹⁹⁵ On both occasions the Syrian government dropped leaflets identifying corridors through which civilians could exit eastern Aleppo city.¹⁹⁶ The leaflet dropped in September 2016 was signed by the General Command of the Syrian Army and stated:

Read... and decide. This is the last hope... save yourselves. If you don't evacuate these areas soon, you will be destroyed. We left a safe passage for you to leave. Hurry up in taking a decision... Save yourselves. You know that everyone gave up on you and left you by yourselves to face your fate and nobody will provide you with help.¹⁹⁷

However, residents told Amnesty International that they were sceptical about the government’s promises of safety.¹⁹⁸ Amnesty International also expressed concern at the time about the Syrian and Russian governments’ intention to establish safe routes for those civilians wishing to flee Aleppo city while not allowing in impartial humanitarian relief for civilians who remained in the besieged area of Aleppo city.¹⁹⁹

In December 2016, parties to the conflict reached a deal which ended the hostilities in eastern Aleppo city and allowed the evacuation of members of armed opposition groups, their families and other civilian

192 YouTube videos on file with Amnesty International.

193 UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic “Special inquiry into the events in Aleppo”*, UN Doc. A/HRC/34/64, para. 70.

194 UN News Centre, *Some 25,000 people displaced by military attacks in western Aleppo – UNICEF*, 1 August 2016, www.un.org/apps/news/story.asp?NewsID=54606#.WWYqTISG000

195 RT, “Russia & Syria launch large-scale humanitarian op for Aleppo residents-defense ministry”, 28 July 2016, www.rt.com/news/353678-russia-syria-aleppo-humanitarian/; SANA, “Updated-Russian Defense Minister: Large-scale humanitarian operation launched in Aleppo city”, 28 July 2016, sana.sy/en/?p=83867; SANA, “Russian forces: extends the ceasefire in Aleppo by 3 hours until tomorrow and opens 6 corridors for civilians and injured to exit and two others [corridors] for armed men”, 19 October 2016, www.sana.sy/?p=447151

196 Some media sources posted on their websites a copy of the leaflet, which described the four corridors as follows: 1) Northern roundabout in the direction of al-Layramoun neighbourhood; 2) Government institution in Bustan al-Qasr in the direction of al-Msharfeh; 3) Saif al-Dawla garden in the direction of al-Hemdanieh playground and Damascus highway; 4) Sheikh Saeed Mosque in the direction of al-Hader; Tim Hume, Eyad Kourdi, Schams Elwazer, “Syria, Russia to open aid, exit corridors in besieged Aleppo, officials say”, CNN, 28 July 2016, edition.cnn.com/2016/07/28/middleeast/syria-aleppo-humanitarian-corridors/index.html; Reuters, “The Syrian army besieges Aleppo city and stated safe corridors were provided for civilians to exit”, 28 July 2016, ara.reuters.com/article/topNews/idARAKCN108111;

197 Al Manar, “The Syrian army drops leaflets on the neighbourhoods of eastern Aleppo city calling on the armed men to take the last opportunity provided to them to leave”, 24 October 2016, lb.almanar.com.lb/899666

198 See, for example, Amnesty International, *Syria: Safe passage for civilians will not avert humanitarian catastrophe in Aleppo city* (Press release, 28 July 2016).

199 Amnesty International, *Syria: Safe passage for civilians will not avert humanitarian catastrophe in Aleppo city*

residents. According to the UN, over 37,500 people were evacuated from eastern Aleppo to opposition-held areas of Aleppo governorate between 16 and 22 December 2016.²⁰⁰

Even though the agreement gave civilians the option to stay, the majority were compelled to leave because they urgently needed respite after enduring the Syrian government's siege and were sceptical about the government's promises of safety. Given this context, the evacuation deal appears likely to have constituted a violation of the prohibition of forced displacement under international humanitarian law.

A former humanitarian worker described the Syrian government's strategy to Amnesty International. "Mobile and immobile objects, human and animals, everything was a target. You don't have to be a fighter carrying weapons to be a target of an air strike, mortar or rocket. The Syrian government's strategy was clear: kill as many as possible for as long as it takes until we surrender. And this is exactly what happened," he said.²⁰¹

A lawyer and former resident of eastern Aleppo city added:

The last 10 days before the evacuation were a nightmare. The amount of shelling was a clear signal that the government wanted us to leave... and the last five months of the shelling were equal to the past five years of air strikes and ground attacks... That was enough for me to make me want to leave. Also, how can civilians stay if there is no infrastructure, no hospitals, electricity or water? The government made its objective to destroy everything and leave us with nothing to stay behind for.²⁰²

According to residents, rumours about negotiations started circulating early in December 2016 as the Syrian government advanced into the rebel-held parts of the city under the protection of its air force.

A representative of the Ahrar al-Sham Islamic Movement formerly based in eastern Aleppo city told Amnesty International that he was involved in the negotiations to end the hostilities. He provided details of the talks:

We first called on the international organisations, the United Nations and the European Union to pressure the Russians to stop the daily massacres in eastern Aleppo city. Nobody answered our calls. So we decided to negotiate to save the remaining civilians in the city. The negotiations began at the beginning of December [2016] after the government seized control of the vast majority of neighbourhoods in eastern Aleppo city and, with the support of Russia, destroyed all the hospitals, bakeries and civil defence offices. The negotiations took 10 days over the phone between Ahrar al-Sham, and a Russian officer. The Syrian government signed the agreement without being involved in the negotiations. We reached a ceasefire agreement on 13 December 2016 and asked for the evacuation of the injured as a first step. The Iranians did not recognise or respect the ceasefire agreement so the Russians involved them in the negotiations. The Iranians wanted Kefraya and Foua to be part of the same deal so we reached another verbal agreement that satisfied their demands. The Iranians violated the agreement again when they obstructed one of the convoys on the first day of the evacuation. Civilians had the option to stay but I can count on the fingers of one hand the number of families who stayed.²⁰³

Amnesty International obtained and reviewed a copy of the agreement negotiated by parties to the conflict and signed on 13 December 2016.²⁰⁴ The agreement was signed by a member of the Ahrar al-Sham Islamic Movement, who was representing the armed opposition groups in the area, a Russian government representative and Syrian government representatives, including the head of its Security and Military Committee in Aleppo. The terms of the deal included the following: the evacuation of armed opposition group members with their personal weapons; the evacuation of civilians who wished to leave to other parts of Aleppo governorate; the Syrian and Russian governments taking responsibility for guaranteeing the safety of civilians; and a pledge by the parties to respect a ceasefire during the evacuation.

Despite all the evidence of its role in this deal, in a letter dated 29 October 2017 responding to Amnesty International's request for information on its involvement in the negotiation of local "reconciliation"

200 UN High Commissioner for Refugees, *Syria: Flash update on recent events*, 19 December 2016, bit.ly/2y7wa5g; UN Office for the Coordination of Humanitarian Affairs, *Syrian Arab Republic: Aleppo situation report No. 8*, 17 December 2016, bit.ly/2y4Wew9; Victoria Lindrea, "Turkey: Aleppo evacuations could be completed by Wednesday", CNN, 20 December 2016, edition.cnn.com/2016/12/20/middleeast/syria-aleppo-evacuation-turkey/

201 Phone interview, 29 May 2017.

202 Phone interview, 20 June 2017.

203 Phone interview, 31 July 2017.

204 A copy of the agreement is on file with Amnesty International.

agreements, the Ahrar al-Sham Islamic Movement denied participating in any negotiations or signing any agreements with the Syrian government.

5.3.1 VIOLATIONS DURING THE EVACUATION

Residents told Amnesty International that they only found out about the evacuation deal from social media posts, radio announcements or word of mouth and described the whole evacuation process as unorganised and chaotic.

According to a representative of the Ahrar al-Sham Islamic Movement, the agreement collapsed twice after pro-government forces shot at a convoy transporting the injured and hijacked a convoy transporting the fighters and civilians, on 15 and 16 December 2016 respectively. He added that the collapse of the agreement was due to disagreements between Russia and Iran over the inclusion of Kefraya and Foua in the Aleppo deal. The parties to the conflict renegotiated a verbal agreement which included the evacuation of the injured and the ill from Kefraya and Foua.²⁰⁵ UN Security Council Resolution 2328, passed on 19 December 2016, demanded unfettered access for the UN and other relevant institutions to monitor the evacuations and ensure the safety of civilians who remained in eastern Aleppo city.

ATTACK ON THE CONVOY OF AMBULANCES

According to a representative of the Ahrar al-Sham Islamic Movement, the Russians agreed to evacuate the injured in the first convoy leaving the city on 15 December 2017.²⁰⁶ According to witnesses, including a civil defence worker, an ill man and two activists, the ambulances gathered at the Ramouseh crossing point (between eastern Aleppo and rebel-held Aleppo suburbs) in the early morning of 15 December 2016, around 7am. The civil defence approached the roadblocks with bulldozers to open the road when they came under attack by snipers. One of the sick people awaiting evacuation said: "I suffer from polio so my name was added to the list of ill people to be evacuated on 15 December. I was in one of the ambulances when I heard gunshots followed by frantic calls for help. I couldn't move to see what was happening. The driver screamed that we were under attack by snipers. The shooting stopped and then hours later we were allowed to cross."²⁰⁷

According to the witnesses, the attack injured three people, including the ambulance driver, an injured man awaiting evacuation and a civil defence worker. A civil defence worker said:

We transferred the injured and the ill to the ambulances and drove to Ramouseh. We arrived around 9am. The civil defence used bulldozers to remove the roadblocks. I was standing next to the ambulance watching them removing the blocks when the Syrian government opened fire on the bulldozer using automatic machine-guns. One of the civil defence workers who was behind the bulldozer, an ambulance driver and an injured person were shot... The attack was totally unexpected, especially since we proceeded following a green light from the Russians.²⁰⁸

Amnesty International reviewed and analysed four videos that were filmed and posted online on 15 December 2016 and found them to contain details consistent with the witness testimonies it had compiled. The videos show ambulances gathering at the Ramouseh crossing point, injured people in the ambulances awaiting evacuation, and a man sitting in the driver's seat of an ambulance shot in his head; sounds of automatic fire can also be heard.²⁰⁹

EXTRAJUDICIAL EXECUTIONS

On 16 December 2016, the first two convoys of civilians and fighters departed from the Ramouseh crossing point half an hour apart. Amnesty International interviewed four people who travelled in them. They recounted how pro-government forces blocked the two convoys from continuing their journey at Ramouseh Bridge, around 5km away, ordered the men to step out of the buses and cars, separated them from the women and children, and forced them to lie on their stomachs on the road. Then, pro-government forces

205 Martin Chulov, "Aleppo evacuation resume after buses attacked and burned", *The Guardian*, 19 December 2016, www.theguardian.com/world/2016/dec/18/aleppo-hopes-raised-that-evacuation-could-soon-resume

206 Phone interview, 31 July 2017.

207 Phone interview, 16 July 2017.

208 Phone interview, 3 July 2017.

209 See, for example, YouTube, ITV News, "Shots fired at ambulance evacuating children from Aleppo", 15 December 2016, www.youtube.com/watch?v=2VUbq1TYTyQ; Twitter, Channel 4 News, 15 December 2016, twitter.com/Channel4News/status/809351437201342464

started to fire into the air before shooting at some of the men on the ground. The witnesses interviewed by Amnesty International saw the bodies of several of those who were hit by bullets being carried away; some were writhing in pain, while others appeared lifeless. According to a representative of the Ahrar al-Sham Islamic Movement, government forces handed him the bodies of six men on 22 December, a day after the evacuation concluded, leading him to believe they were at least some of the men killed in the shooting incident. All of these details lead Amnesty International to conclude that the pro-government forces committed extrajudicial executions.

The pro-government forces sent the rest of the men back to the Ramouseh crossing point, but, before doing so, stole personal belongings from them, including money and clothes. The witnesses interviewed by Amnesty International believe the armed men involved were members of the Iranian armed forces and the Lebanese group Hezbollah as they recognised them speaking Persian and the Lebanese dialect of Arabic respectively.

A member of eastern Aleppo's local council was in the first convoy. He said:

We first crossed a checkpoint manned by Russians and government forces. I know they were Russians because they entered the bus and spoke to us through a translator. They just asked us if everything was fine and then they let us move. Syrian Arab Red Crescent and Red Cross cars were with us but then they disappeared. We approached another checkpoint. It seemed that the checkpoint was unexpected because the bus I was in, which was carrying around 50 people, suddenly braked. Two armed men came up to the bus and spoke to us in Lebanese Arabic. We knew it was Hezbollah. There were a lot of them standing outside. Maybe around 20 to 40 Hezbollah fighters, as well as Iranian forces... The convoy turned around. A few metres away, I saw the other convoy... They forced me and all the other men to step down off the buses... The fighters took us to the other side of the highway and made us lie on our stomachs with our faces towards the street. We heard all sorts of humiliating words. They stepped on the legs of the man next to me. Then, maybe an hour later, I heard gunshots just after hearing an argument between one of the men with us and Hezbollah. I was not sure. They started shooting in the air and then I heard men screaming in pain... I kept quiet. All I was thinking of was my wife, who was still in the bus when I left her... Hours later – I can't remember how many hours – they allowed us to stand up again. I saw Hezbollah forces carrying the bodies of four men. They searched all of us. They took my ID which was in my pocket, my money which was in my jacket and then they took my jacket. It was freezing.²¹⁰

Amnesty International interviewed three other men who were on board the second convoy. One of them, a former paramedic, said:

The Syrian Red Crescent allowed me to evacuate with my family and a pregnant woman in the ambulance... We first crossed a Russian checkpoint without any issues and then, 1km away, we saw another checkpoint, which was unexpected. Then I heard the sound of shooting in the background. They stopped the convoy... I watched the armed forces at the checkpoint gather the men from our convoy and the convoy that left before us. The fighters were speaking in a Lebanese Arabic accent... One of them said 'Nobody can pass today'. One of the Lebanese fighters saw me sitting in the ambulance so he asked me to step out. They made us lie down facing the ground for at least three hours. Then they took our money, IDs and passports. The women were standing on the other side. We were around 400 men. While on the ground, I heard the sound of gunshots. First it was in the air but then the sound changed. I glimpsed right and left and saw at least six men screaming in pain because they had been hit. My brother-in-law, Abdel Majid Jazbeh, was one of the six. He died instantly and his body is still with them. When they allowed us to stand up again, I saw them carrying several bodies away, including some who were still alive. I saw my brother-in-law's body. His wife was in the convoy but she didn't see him get shot. He has twin boys who are five years old, and another seven-year-old son... They wouldn't let us board the buses or ambulance. They started shooting in the air and made us run back to Ramouseh.²¹¹

A humanitarian worker who also works with the civil defence told Amnesty International they witnessed the extrajudicial execution of at least three men, including Abdel Majid Jazbeh, by pro-government forces.²¹²

210 Phone interview, 20 June 2017.

211 Phone interview, 5 July 2017.

212 Interview in Turkey, 28 April 2017, and phone interview, 3 July 2017, respectively.

5.4 POST-EVACUATION

Former residents of eastern Aleppo city were first displaced to other areas of Aleppo governorate as the agreement stipulated. Many of them settled there, but others subsequently moved on to Idlib governorate. According to individuals in both locations, they continue to live in very difficult circumstances due to the limited access to humanitarian aid and the lack of employment opportunities. The vast majority of former residents of eastern Aleppo city interviewed by Amnesty International are paying for rent, water and other services, while only a few have found families to host them.

A mother who was displaced with her ill husband, daughter and grandson to Idlib governorate told Amnesty International:

We first moved to Idlib city because my relatives living there told me local humanitarian organisations were providing aid, but it was not true. I registered at the local council as I was told to, but they never gave us any aid. They claimed that organisations in Turkey were sending less aid to Idlib governorate and that it was being prioritised for residents of Idlib; the majority of aid was going to areas under the control of pro-Turkish rebels. I couldn't afford to pay rent, food or any other services. So I moved away from the city to the suburbs, where we are all staying with my husband's family. My daughter is trying to find work so we can pay for food – especially milk for her son. It is very degrading to be a refugee and to live in other people's home. The family is very kind to us but we feel like we are a burden.²¹³

A former humanitarian worker told Amnesty International:

We are still suffering from a shortage of aid – including me. The local aid organisations that once worked in Aleppo city shut down. Most of the relief work moved to the northern Aleppo [governorate] – to the areas that are under the control of pro-Turkish rebels such as al-Bab and Jarablus. My family and I relied on food baskets when we were in Aleppo city because I had no income whatsoever and now I am paying for rent and water from the money I make from a bit of work here and there.²¹⁴

Two humanitarian workers in Idlib governorate have each opened their homes to four families displaced from eastern Aleppo city. They told Amnesty International that the amount of aid received by local humanitarian organisations has significantly diminished compared to what they used to obtain a year ago. As a result, these organisations have had to scale down the distribution of food baskets as well as cash assistance. In addition, many men have paid huge amounts of money and risked their lives to cross into southern Turkey in pursuit of employment to help their families left behind in Idlib and Aleppo governorates.

²¹³ Phone interview, 19 June 2017.

²¹⁴ Phone interview, 14 May 2017.

6. AL-WAER

“It was the regime’s actions that forced us to leave... Until now there’s pain in our hearts that we had to leave Homs.”

A mother of three whose husband was forcibly disappeared

Al-Waer is a residential neighbourhood in western Homs city surrounded by several military academies and installations, and bordered to the west by pro-government villages. The district, which covers an area of around 3km², is known for its relatively modern high-rises, formerly home to a more affluent population. In the first year of the uprising, al-Waer became the main destination for people escaping the fighting in different parts of Homs; its population is said to have risen to 350,000 in 2012.²¹⁵

The Syrian government began besieging al-Waer in October 2013, limiting the movement of the majority of its residents and restricting aid to an estimated 70,000-100,000 people.²¹⁶ The opposition maintains that the siege, which was coupled with a military campaign that began escalating in 2014, was aimed at forcing a local agreement between the government and non-state armed groups.²¹⁷

After a UN-brokered local ceasefire agreement in May 2014 that resulted in the evacuation of fighters from the Old City, al-Waer became the last rebel-held neighbourhood in the city of Homs. A committee from al-Waer engaged in similar talks; on-off “truces” followed over the years, including a milestone multi-stage agreement in 2015. That agreement saw the beginning of the evacuation of fighters from al-Waer, but it subsequently fell apart in October 2016.²¹⁸ The pressure culminated in a Russian-sponsored deal in March 2017, which brought the district back under government control and saw the staggered evacuation of 20,000 residents, including all remaining fighters.²¹⁹

Amnesty International interviewed 29 people who were displaced from al-Waer, 26 of them civilians – a mix of the neighbourhood’s original residents and others who moved to it after being displaced from different parts of Homs.²²⁰ They included members of a committee that ran the neighbourhood’s affairs, medics, journalists, and teachers.

215 Syrian Network for Human Rights, *Al Wa’er neighborhood residents join 12 million forcibly displaced Syrian: They have no choice*, 18 April 2017, sn4hr.org/blog/2017/04/18/38582/

216 Human Rights Watch, *Syria: Escalating assault on rebel-held district*, 23 December 2014, bit.ly/2h8nqC4 (hereinafter: Human Rights Watch, *Syria: Escalating assault on rebel-held district*).

217 Syrian Network for Human Rights, *The Syrian government violates the agreement in Al Wa’r neighborhood despite UN’s sponsorship*, 11 November 2014, sn4hr.org/blog/2014/11/11/1868/

218 Phone interview with a negotiator and member of al-Waer’s administrative committee, 26 May 2017.

219 Phone interview with a negotiator and member of al-Waer’s administrative committee, 26 May 2017.

220 All those interviewed by Amnesty International had been displaced from al-Waer to rebel-held areas. Due to security concerns, Amnesty International did not contact residents still living in al-Waer after it came under government control.

6.1 SIEGE: HUMANITARIAN CONDITIONS AND ACCESS

When the government imposed a siege on al-Waer in October 2013, only students and civil servants were allowed to move in and out of the neighbourhood; food, medicine and fuel were restricted. According to former residents, even those allowed in and out were often harassed at the checkpoints and sometimes detained, and the government placed different restrictions on goods at different times.²²¹

Former residents told Amnesty International the siege started worsening in March 2016 and became “suffocating” by October of that year. A negotiator who represented al-Waer in talks with the government, a journalist, and an activist all said the tightening and relaxing of the siege were directly linked to the progress of drawn-out negotiations over the 2015 deal between the neighbourhood’s committee and the government.²²² The impact was directly felt by civilians according to a 27-year-old former resident:

There were several stages of the siege. Between each round, it would ease for 10 or 20 days. That would usually be accompanied by talk of an impending agreement. When an agreement did not materialise, the siege would worsen. During the worst round of the siege, there was no bread – we stayed for a year without bread... We had to grind some of the rice or bulghur we got from the aid parcels to make bread out of that.²²³

There is a large bakery on the outskirts of al-Waer; its location used to demarcate one of the access points between the rebel-held and government-held territories. At times, the government used to allow al-Waer’s residents to purchase a few loaves from there, but for the most part it was off limits to the neighbourhood’s besieged inhabitants, several former residents said. “The regime used bread and food as a weapon against us,” a local aid worker said.²²⁴

Former residents became heavily dependent on intermittent deliveries of aid. In the first year of the siege, only two aid convoys were reported to have been allowed into al-Waer several months apart.²²⁵ The majority of those who spoke with Amnesty International said their diet mainly consisted of rice, lentils, and bulghur that was distributed in the aid parcels. A 43-year-old mother of four said households would “invent new recipes... stuff made from the ingredients they were giving us”.²²⁶

Overall, these aid deliveries fell short of covering the population’s needs, former residents said. Take for example a convoy that entered al-Waer on 5 December 2015 after a local truce was agreed with the neighbourhood. The Syrian Arab Red Crescent delivered its own relief supplies in addition to those of a number of international agencies – 29 trucks carrying food, hygiene kits and winter items.²²⁷ Described as “one of the largest deliveries of aid” since late 2014, the aid was estimated to be enough for only half the neighbourhood’s population for a month.²²⁸ A former resident, who lived with her mother and six siblings, said:

Every now and then we would get aid, but it was not enough for a family the size of ours... We used to bake a very small pitta and split it in half; two would share this small round pitta. When the aid came in, some flour would spill on the ground during distribution. My brothers would sweep it up and bring it to us. We would clear it from any pebbles and bake with it... We would crave even the smallest amount of food and not find any.²²⁹

Parents who spoke with Amnesty International particularly complained about shortages of milk and baby formula. A mother of two whose youngest son was born shortly after the siege started in 2013 says she had

221 For example, at times the government allowed civil servants and students to bring in specific types of food, but only in small quantities; soldiers would weigh the food and allow in only the exact permissible amount, throwing out any excess. At other times, entire types of food and other items like nappies were banned.

222 After the December 2015 deal, the government eased some of the movement restrictions and allowed civilians who were not wanted to go through one of the government checkpoints, but that was stopped in March 2016 when the implementation of the agreement stalled.

223 Phone interview, 15 June 2017.

224 Interview with an aid worker, Turkey, 28 April 2017

225 Human Rights Watch, *Syria: Escalating assault on rebel-held district*.

226 Phone interview 15 June 2017.

227 Stephen Ryan, “Red Crescent volunteers bring relief to the al-Waer suburb of Homs”, International Federation of Red Cross and Red Crescent Societies, 10 December 2015, bit.ly/2fzGGvq (hereinafter: Stephen Ryan, “Red Crescent volunteers bring relief to the al-Waer suburb of Homs”).

228 Stephen Ryan, “Red Crescent volunteers bring relief to the al-Waer suburb of Homs”.

229 Phone interview, 18 June 2017.

to resort to giving the boy starch or ground rice dissolved in water instead of formula.²³⁰ Others said they would buy milk for their children at a mark-up from soldiers and “war merchants” who smuggled items into al-Waer and profiteered from the exorbitant prices.²³¹ A litre of animal milk would sell for up to 20,000 Syrian pounds (US\$94) in al-Waer while its market price elsewhere in Homs city was 2,500 (US\$12),²³² a box of baby formula sold for up to 12,000 Syrian pounds (US\$57) compared to 2,000 (US\$9) in the city.²³³

Medicine and medical supplies were also hard to come by. A physician, a pharmacist, and two volunteer medics told Amnesty International that many people had to resort to using expired medicine. Intravenous fluids and blood bags ran out, and during the last period of the siege medics were reusing syringes.²³⁴ In his statement to the Security Council in October 2016, then Under-Secretary-General for Humanitarian Affairs Stephen O'Brien highlighted the government's deliberate removal of medicines and medical supplies from aid deliveries to besieged areas,²³⁵ a violation of its obligations under international humanitarian law not to restrict such access. “These last few weeks alone, the Syrian authorities removed or prevented the loading of nearly 6 tonnes of medical supplies, mostly surgical materials, diarrhoeal and midwifery kits, IV fluids, anaesthetics, and various medicines, from inter-agency convoys” to a number of areas, including al-Waer, he said.²³⁶

Seven former residents told Amnesty International they struggled to secure necessary treatment and medicine for themselves or their family members, a violation of their right to the highest attainable standard of health among other rights. A cancer patient said that, since she could no longer go for chemotherapy sessions outside al-Waer, she would take pain relievers to deal with the pain – “and even that was not easy to find, we had to beg for it.”²³⁷ Another former resident said his grandmother ran out of diabetes and hypertension medicine and ultimately died after her condition worsened.²³⁸ The mother of an 11-year-old who suffered from rickets and thyrotoxicosis said that it was very difficult to obtain medicine for him and that he was only able to undergo crucial surgery after they left al-Waer under the final evacuation deal.²³⁹ Several residents said that, due to the instability, many pregnant women had to schedule caesarean sections to deliver their babies, requiring them to pay large sums of money to smuggle anaesthetics through checkpoints.

During the final months of the siege, wood, which people burned to cook and stay warm in the absence of electricity and fuel, was selling at 10 times the price in other parts of Homs.²⁴⁰ “We would burn anything, even clothes, to keep warm,” a former resident said.²⁴¹ “We experienced such tragic and difficult days the last seven months... The humanitarian aid we had ran out,” he added.

In February 2017, a month before the neighbourhood's final evacuation deal, the UN reported that al-Waer, home to an estimated population of 50,000 at that point, had not received assistance for four months.²⁴² Instability obstructed the delivery of aid in February: an interagency convoy had to turn around twice, on 19 and 20 February, due to sniper fire and shelling. The second time, as the convoy was on its way back to the

230 Phone interview, 22 May 2017.

231 All conversions to US dollars in this paragraph reflect rates during October 2016.

232 Phone interview with a member of the neighbourhood's administrative committee, a father of two children (a three-year-old and a five-year-old), 19 June 2017.

233 Phone interview with another member of the neighbourhood's administrative committee, a father of four children, including two born during the siege, 16 June 2017.

234 Phone interview with a doctor, 13 June 2017.

235 UN Office for the Coordination of Humanitarian Affairs, *Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Stephen O'Brien: Statement to the Security Council on Syria*, New York, 26 October 2016, bit.ly/2vYv4VT (hereinafter: Stephen O'Brien statement, 26 October 2016).

236 Stephen O'Brien statement, 26 October 2016.

237 Phone interview, 22 May 2017.

238 Phone interview, 15 June 2017.

239 Phone interview, 13 June 2017.

240 Phone interview, 12 June 2017.

241 Phone interview, 12 June 2017.

242 UN Office for the Coordination of Humanitarian Affairs, *Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Stephen O'Brien: Statement to the Security Council on Syria*, New York, 22 February 2017, bit.ly/2vYJkxD (hereinafter: Stephen O'Brien statement, 22 February 2017).

warehouse, it was “diverted by civilians and unknown armed elements to a Government-controlled area.”²⁴³ The drivers were released, but without the aid.²⁴⁴

6.2 ATTACKS ON CIVILIANS AND CIVILIAN OBJECTS

Fighting was reported in al-Waer as early as August 2013, including the use of rockets and mortars by government forces.²⁴⁵ By late 2014, indiscriminate shelling and aerial attacks were on the rise.²⁴⁶ Al-Waer was the last remaining rebel stronghold in the city of Homs, which was considered by the opposition “the centre of the uprising”; but according to former residents, government forces and allied militias carried out attacks deep into residential areas where civilians lived, not just at the front lines where fighters were positioned. There were several armed groups that operated in al-Waer at different times, including a number of factions affiliated to the Free Syrian Army, the Ahrar al-Sham Islamic Movement, and the group formerly known as the al-Nusra Front.²⁴⁷ These non-state armed groups were also accused of carrying out indiscriminate attacks targeting pro-government villages near al-Waer.

Ten former al-Waer residents who spoke with Amnesty International described different incidents during the years of the siege in which their homes and vehicles were shelled in ground and air attacks by government troops. Eight of these incidents resulted in injuries and fatalities; all caused damage. “When the siege started in al-Waer, the bombardment evolved gradually – first there were mortars and sniping... then it developed to the use of an improvised [projectile] that involves a Grad rocket and causes a high impact explosion,” a 35-year-old teacher said.²⁴⁸ He described how one of those unguided, improvised rocket assisted munitions (IRAM), known locally as the “elephant rocket”, hit his building on 31 December 2014. He was injured in the arm, his wife went into a coma after sustaining severe head injuries. She died 11 days later.²⁴⁹ Their children were just three and one at the time.

Attacks on civilian infrastructure were a pattern that continued throughout the years of the siege and bombardment, former residents said. One of the earliest of those attacks hit the one hospital which most of the residents relied on for medical care, al-Walid Hospital. It used to be a government-run obstetrics and paediatric facility, but after the siege began it turned into a general hospital run mostly by volunteers and a handful of doctors. On 18 November 2013, government forces fired a surface-to-surface rocket at the hospital, causing heavy damage and killing eight medics, a doctor who had just stepped out of the building on his way home when the explosion happened told Amnesty International.²⁵⁰ The Violations Documentation Center in Syria, an independent NGO established in April 2011 to monitor human rights violations, says four more civilians, including a woman and her child, were killed in the attack.²⁵¹

The Syrian Network for Human Rights,²⁵² which also reported that hospital attack, says it documented at least 30 other attacks by government forces targeting vital civilian facilities in al-Waer from March 2011 to March 2017.²⁵³ One of the many large-scale incidents the Syrian Network for Human Rights documented was the rocket attack on a children’s playground on 26 September 2015 during celebrations for the Muslim feast of Eid al-Adha, which killed 29 people, including 17 children.²⁵⁴ Several former residents referred to the attack in their testimonies, describing it as a “massacre”; Amnesty International was not able to document the specific circumstances through witness testimony.

243 Stephen O’Brien statement, 22 February 2017.

244 Stephen O’Brien statement, 22 February 2017.

245 See, for example, UNICEF, *Statement by UNICEF Executive Director Anthony Lake on the life-threatening situation of women and children in Homs*, 2 August 2013, www.unicef.org/media/media_70072.html

246 Human Rights Watch, *Syria: Escalating assault on rebel-held district*.

247 The al-Nusra Front changed its name to Jabhat Fateh al-Sham in July 2016, and then again to Hay’at Tahrir al-Sham in January 2017.

248 Phone interview, 19 June 2017.

249 In total, four other people were killed and 12 injured as a result of the attack, which he says impacted their building and the one next to it.

250 Phone interview, 13 June 2017.

251 Violations Documentation Center in Syria, *A special report on the massacre of Khalid bin AlWalid for maternity and children hospital Waer neighbourhood – Homs*, 18 November 2013, www.vdc-sy.info/index.php/en/reports/1385329563#.WYmxe1WGOUk

252 A UK-based independent NGO formed in 2011 to monitor abuses in Syria.

253 Syrian Network for Human Rights, *Al Wa’er neighborhood residents join 12 million forcibly displaced Syrian: They have no choice*, 18 April 2017, sn4hr.org/blog/2017/04/18/38582/ (hereinafter: SNHR, *They have no choice*).

254 SNHR, *They have no choice*.

Amnesty International reviewed and analysed more than 60 videos purporting to show events from al-Waer between 14 February 2016 and 6 March 2017. Many of the videos show the skyline of the neighbourhood and several feature three clear landmarks: a transmission tower and two mosques. The videos corroborate witness testimony about the nature of the attacks, including air strikes in densely populated quarters; the destruction in residential areas; and the impact on civilians.

Punctuated by brief periods of calm resulting from local truces or nationwide ceasefires, there were several rounds of intensified bombardment targeting al-Waer over the years. Given the volume, it is difficult to review all of the material available online, but Amnesty International's Digital Verification Corps²⁵⁵ identified and analysed clusters of content around specific events. That included the August 2016 military escalation, during which, according to former residents, government forces used incendiary weapons containing a napalm-like substance. The videos Amnesty International analysed from that period include distressing footage of two apparently burned children shaking and crying in pain. In one video, one of the children is being covered with mud in an attempt to cool her burns.²⁵⁶ In another, a medic says that, due to the lack of medical supplies, they are using polyester bandages, which end up worsening the injuries.²⁵⁷

All of the former al-Waer residents interviewed by Amnesty International said government forces waged an intensified campaign that lasted from 7 February 2017 until a local ceasefire was agreed between the government and armed groups on 7 March. The majority of the videos reviewed and analysed by Amnesty International are from that period. Several show military aircraft overhead, followed by explosions that can be located as having been filmed in al-Waer. Some videos purport to show bombs fitted with a parachute that have been discharged from a plane; Amnesty International's weapons expert managed to confirm that one of them did indeed show a parachute-retarded bomb.²⁵⁸ The organisation was not able to determine the exact type of munition being used from the videos it reviewed of al-Waer. Syrian government forces are reported to have used different types of unguided Soviet and Russian-made bombs whose descent is slowed by parachutes in a number of locations, including eastern Aleppo.

Five former residents described to Amnesty International attacks on residential areas that were not in the proximity of military targets during the final military escalation, of which two involved "parachute bombs", according to witnesses. For example, a volunteer medic who had herself been injured in an air strike five months earlier said her daughter and 18-month-old grandson were in the backyard of their home when a parachute bomb was dropped in the vicinity of their house in February 2017.²⁵⁹ "She was hit by shrapnel in her head and the pressure blew her inside the house," the woman said of her daughter, who had to undergo surgery to remove the shrapnel.²⁶⁰

A 38-year-old mother of four also described her residence being bombed in a strike during February 2017.²⁶¹ Their building was hit two days in a row and, on the second occasion, a neighbour was killed in what she said was a "parachute bomb" strike. They were on the fifth floor and the damage extended from the ninth to the fourth floor, she said, adding:

Anyone who sees the building doesn't understand how we got out alive. What happened that day still affects me until now; that we survived somehow... I was screaming for my children. After the bomb hit, I waited for a few seconds then turned on the cellphone light and saw my children were alive. They were covered in rubble. It was around 3pm. They were not injured.²⁶²

Several residents said they had to huddle in shelters – which were mainly parking garages under buildings – most of the time during the last military campaign. They described that period as one of squalor and disease, with scabies and lice spreading among shelter dwellers, who had to share mattresses. A 27-year-old teacher whose wife was six months pregnant at the time said:

255 A network of volunteers trained in social media verification.

256 Homs Media Centre Facebook page, "Important: Child sustains burns as a result of targeting al-Waer with internationally banned Napalm shells", 27 August 2016, www.facebook.com/Homs.Media.Center/videos/1766181480314280/

257 YouTube, ShamNetwork S.N.N., "Sham Homs al-Waer: Napalm and air strikes terrify more than 100,000 civilians (warning, graphic video)", 27 August 2016, www.youtube.com/watch?v=ulqz2gT4cyc

258 YouTube, Agency Homs Media, "Homs: The moment a parachute bomb is dropped from a military jet on al-Waer", 27 February 2017, www.youtube.com/watch?v=KOTPuxEiKmQ

259 Phone interview with a volunteer medic, 13 June 2017.

260 Phone interview with a volunteer medic, 13 June 2017.

261 Phone interview with a 38-year-old mother of four, 13 June 2017.

262 Phone interview with a 38-year-old mother of four, 13 June 2017.

The shelter was overcrowded... It was damp. There were no toilets; people dug a hole in the ground instead. Because there were so many people, the waste would overflow from the hole and it would be smelly. It was very cold at that time of the year. People would go up to the first floor to make a fire to cook; the smoke would travel down to the shelter. It was a miserable situation.²⁶³

In a move that further degraded infrastructure crucial to the survival of the residents, government forces targeted the civil defence centre on the second day of the final military escalation. A strike by an “elephant rocket” put the centre out of service, destroyed an ambulance, and injured one rescue worker.²⁶⁴ “The last military campaign was barbaric... They would say in the regime media that they destroyed terrorists’ headquarters, but those were plain lies. They specifically targeted unarmed civilians to influence rebels to capitulate and leave,” an activist who had documented the impact of the operations said.²⁶⁵ The month-long military operation, he said, left 52 people killed, including 11 children and 13 women, and injured 500 others.²⁶⁶

6.3 DISPLACEMENT OF CIVILIANS

Al-Waer’s surrender to state authority came in March 2017 when a negotiating committee made up of civilians and representatives of armed groups agreed to a local agreement with the government, mediated and supervised by Russia.²⁶⁷ The deal led to the lifting of the siege and amounted to one of the largest evacuations of civilians and fighters under this type of agreement.²⁶⁸ By the time the staggered evacuation had ended in May 2017, a little over 20,000 people had left al-Waer and moved to different areas in the opposition-controlled north²⁶⁹ – an outcome armed groups and civilians had been trying to avoid for years in previous talks with the government.²⁷⁰

Government intermediaries floated offers of “reconciliation” with al-Waer as far back as mid-2014, including failed attempts to link its status to that of the Old City of Homs, which had agreed to UN-brokered local ceasefires resulting in the evacuation of fighters and their families.²⁷¹ But, according to one of al-Waer’s negotiators, “real discussions of consequence” did not start until a committee²⁷² was formed to run the neighbourhood’s affairs in July 2014.²⁷³ Talks ensued for months between select members from that committee and the government, the latter represented by senior security officials from Homs and the leadership of the General Intelligence Directorate (also known as State Security) in Damascus.²⁷⁴ Damascus-based UN officials attended joint and separate meetings with the parties involved.²⁷⁵

In December 2015 the government and al-Waer’s committee agreed on a deal to be implemented over three stages, the first of which would bring about a ceasefire and distribution of humanitarian aid.²⁷⁶ Each stage

263 Phone interview, 15 June 2017.

264 SNHR, *They have no choice*.

265 Phone interview, 12 June 2017.

266 Phone interview, 12 June 2017.

267 Amnesty International spoke with two civilian negotiators who represented al-Waer as well as civil society members and other former residents privy to the talks.

268 Reuters, “Syrian rebels, civilians begin leaving Homs district in deal with government”, 18 March 2017, reut.rs/2x6MqkC

269 According to a table delineating the numbers that left in all 12 convoys between 18 March and 21 May, provided to Amnesty International via an online messaging application by a member of al-Waer’s negotiating team on 19 June 2017.

270 Interviews with former al-Waer residents, May-August 2017

271 For more on the evacuation of the Old City of Homs, see, for example, Martin Chulov, “Syrian rebels begin Homs evacuation”, *The Guardian*, 7 May 2014, bit.ly/2vVmsQF

272 The 15-member committee was made up of civilians and representatives of different armed factions.

273 Phone interview with a member of al-Waer’s negotiating team, 10 August 2017. Amnesty International held three lengthy interviews with this negotiator on 15 May, 26 May, and 10 August 2017. In an email exchange on 26 May he shared with Amnesty International several documents detailing the process of negotiations with the government along the years and other details pertaining to developments in the neighbourhood. There were also a number of exchanges with him over online messaging applications from May to August 2017. Interviews with another member of the neighbourhood’s negotiating committee and civil society members corroborate this negotiator’s testimony.

274 Phone interview with a member of al-Waer’s negotiating team, 10 August 2017.

275 According to two negotiators who represented al-Waer, as well as members of the civil society and other former residents privy to the talks. An international expert with knowledge of the talks also corroborated this information.

276 Document listing the full terms of agreement, provided to Amnesty International in email correspondence with a member of al-Waer’s negotiating team on 26 May 2017 (hereinafter: Document listing the full terms of agreement).

involved steps by both sides; for example, the rebels would gradually disarm and the government would release detainees.²⁷⁷ While the terms of the deal did not completely wrest control of the neighbourhood from the opposition's hands, it did put the government's security branches in Homs in charge of security.

What materialised on the ground was the ceasefire, the entry of some aid, and the easing of some movement restrictions.²⁷⁸ In addition, as per the agreement, 300 fighters who opposed the deal – mostly from the group then called the al-Nusra Front²⁷⁹ – were evacuated alongside their families to Idlib under UN supervision. The UN Resident and Humanitarian Coordinator at the time, who had taken part in the talks and accompanied the convoy of evacuees, described the deal as a “humanitarian agreement”.²⁸⁰ He said the UN supported it “because it means good things for civilians and good things for more than 60,000 people who continue to live in al-Waer”.²⁸¹ The UN Special Envoy for Syria, Staffan de Mistura, praised the deal as an initiative that showed a nationwide ceasefire was possible.²⁸²

But the implementation of the following stages of the agreement started faltering. One of the main disagreements was over the fate of 7,365 detainees and disappeared individuals the opposition was inquiring about – a request the government dodged for months.²⁸³ The government later froze the deal in March 2016, reinstated the siege, and followed that with military escalation. The pressure culminated in another round of talks in September. These talks resulted in the evacuation of 130 fighters and their families to the north of Homs governorate without UN supervision. The government released 194 detainees from different parts of Homs who were not on the list provided by the al-Waer negotiating committee, and partially relaxed the siege.²⁸⁴

By October 2016, security officials revealed to the al-Waer negotiating committee the whereabouts of some of those on the latter's list of detainees and disappeared. Security officials also reportedly expressed a willingness to release 1,348 of those detainees in exchange for a complete evacuation of all remaining fighters and a full handover of the neighbourhood.²⁸⁵ After consultations among the neighbourhood's civilian and armed leadership, the negotiating committee countered with another offer that asked for more generous terms.²⁸⁶ The deal eventually fell apart completely on 18 October and the government tightened the siege to unprecedented levels.

According to the al-Waer negotiator who spoke with Amnesty International about the talks, official interactions with the Russian side began in late November 2016 after government forces had escalated their attacks on the neighbourhood. In a meeting which was held between the committee and a Russian officer on the outskirts of the neighbourhood and did not involve the participation of any representatives of the Syrian government, possible Russian mediation was discussed.²⁸⁷ Russia and Turkey later brokered a nationwide ceasefire that went into effect on 29 December.²⁸⁸ Al-Waer witnessed a period of calm during that countrywide ceasefire until government forces waged a renewed month-long offensive against the neighbourhood starting on 7 February 2017, pounding it with dozens of air strikes.

“At that point, there were new realities on the ground. The regime was empowered. After the emptying of Daraya and the fall of Aleppo, the military was in a position of power. They rejected any previous agreements

277 Document listing the full terms of agreement.

278 Phone interview with a member of al-Waer's negotiating team, 10 August 2017.

279 The al-Nusra Front changed its name to Jabhat Fateh al-Sham in July 2016, and then again to Hay'at Tahrir al-Sham in January 2017.

280 Lyse Doucet, “Life stirs in Homs as Syrian rebels withdraw: ‘In our minds we knew we would return’”, *The Guardian*, 12 December 2015, bit.ly/2wiDdZn (hereinafter: Lyse Doucet, “Life stirs in Homs as Syrian rebels withdraw: ‘In our minds we knew we would return’”).

281 Lyse Doucet, “Life stirs in Homs as Syrian rebels withdraw: ‘In our minds we knew we would return’”.

282 UN News Centre, *Ceasefire in Homs has ‘great value’ in showing a nationwide truce in Syria is possible – UN envoy*, 11 December 2015, bit.ly/2wwlbNr

283 Document titled “Brief Explanation of implementation of al-Waer agreement and current situation”, dated 20 November 2016, provided to Amnesty International in email correspondence with a member of al-Waer's negotiating team on 26 May 2017 (hereinafter: “Brief Explanation of implementation of al-Waer agreement and current situation”). Many of the details in the document align with credible media reports from that period.

284 “Brief Explanation of implementation of al-Waer agreement and current situation”.

285 “Brief Explanation of implementation of al-Waer agreement and current situation”.

286 “Brief Explanation of implementation of al-Waer agreement and current situation”.

287 Document titled “Summary of meeting between members of al-Waer negotiating committee and Russia's representative in Homs”, dated 28 November 2016, provided to Amnesty International in email correspondence with a member of al-Waer's negotiating team on 26 May 2017.

288 Denis Pinchuk and Tulay Karadeniz, “Russia announces ceasefire in Syria from midnight,” Reuters, 29 December 2016, reut.rs/2h9ISaY

we had,” the al-Waer negotiator told Amnesty International.²⁸⁹ The UN, which according to international experts, was assessing its role and involvement on a case-by-case basis, was no longer engaged in the talks in al-Waer. Critics, including from within the UN, had voiced unease about local ceasefire deals since the Old City of Homs agreements in 2014, in which the UN was involved. The agreement on Daraya that led to its depopulation in August 2016 took concerns to another level: UN officials and agencies began openly expressing concerns about these agreements, including over the legality of the population transfers.²⁹⁰ “The Russians came [to us] with a new framework,” the al-Waer negotiator said.²⁹¹

Members of the al-Waer negotiating committee²⁹² met with Russian military officers on 6 March 2017 on the outskirts of the neighbourhood; a ceasefire approved by all armed groups went into effect the following day.²⁹³ Then came intense, daily meetings in the presence of a security official from Damascus and the senior Russian officers, who according to the opposition, were commanders of the Russian-operated Hmeimim air base in Latakia. “It was clear from the first meeting that they were coming to implement the regime’s agenda,” the al-Waer negotiator said of the Russians.²⁹⁴ Ultimately, what was on offer was the evacuation of all fighters²⁹⁵ – and their families – if they were unwilling to agree to a *taswiya* or “settlement” which would require them to disarm and undergo a security screening in order to stay in al-Waer.²⁹⁶ The neighbourhood’s committee negotiated a longer period of evacuation knowing that a large number of civilians would want to leave too when the armed groups evacuated.²⁹⁷

On 13 March, an agreement was finally sealed.²⁹⁸ Amnesty International viewed a copy of the two-page written document; it was signed by the neighbourhood’s negotiating committee (three signatures and the committee’s seal), a senior security officer representing the government, and a Russian officer. It listed 11 terms, including details of the “settlement” process, the mechanism of evacuation, and the reopening of checkpoints. It entrusted the security of the evacuees and the residents remaining in the neighbourhood to the Russian military, alongside Syrian security forces.

The evacuations took place from 18 March to 21 May. Twelve batches of evacuees headed to three opposition-held destinations: the north of Aleppo governorate, the north of Homs governorate, and Idlib governorate. A total of 20,308 people, the vast majority of them civilians, left on those convoys according to the records of the negotiating committee.²⁹⁹ It was the largest exodus from a rebel-held area under these local agreements after Aleppo’s chaotic evacuation.

Several UN agencies expressed concern about the al-Waer agreement and the subsequent evacuations. Statements and reports were issued, including by the UN Office for the Coordination of Humanitarian Affairs, stressing that the UN did not partake in negotiating the deal nor in implementing the evacuations.³⁰⁰ “Many people are doing so [evacuating] for a variety of reasons, including out of concern for their own security. The UN has repeatedly expressed deep concern at the continuing use of siege as a weapon of war and at local agreements which are preceded by the decimation of areas and result in the forced displacement of part of the civilian population,” the agency said.³⁰¹

289 Phone interview with a member of al-Waer’s negotiating team, 10 August 2017.

290 See, for example, Office of the UN High Commissioner for Human Rights, *Transfer of the Civilian Population in International Law*, January 2017, bit.ly/2h6LZ5L

291 Phone interview with a member of al-Waer’s negotiating team, 10 August 2017.

292 There were three members from the al-Waer negotiating committee who would attend these talks: one civilian who attended all the sessions, another alternating civilian, and an alternating member from the armed groups.

293 Phone interview with a member of al-Waer’s negotiating team, 10 August 2017.

294 Phone interview with a member of al-Waer’s negotiating team, 26 May 2017.

295 Fighters were allowed to leave carrying light weapons.

296 Phone interview with a member of al-Waer’s negotiating team, 15 May 2017.

297 Phone interview with a member of al-Waer’s negotiating team, 15 May 2017. The negotiating committee member said at that point al-Waer’s population was estimated to be between 35,000 to 40,000.

298 Phone interview with a member of al-Waer’s negotiating team, 15 May 2017.

299 Table delineating the numbers that left in all 12 batches, provided to Amnesty International in correspondence via an online messaging application with a member of al-Waer’s negotiating team on 19 June 2017. The opposition estimates the number of fighters to have been under 2,000. When the governor of Homs declared Homs city “completely clear of weapons and militants” on 21 May 2017, he said more than 14,000 had left al-Waer, including 3,700 fighters. Reuters, “Syrian rebels leave last opposition district in Homs”, 21 May 2017, reut.rs/2x6ELTp

300 UN Office for the Coordination of Humanitarian Affairs, *Northwest Syria – Flash update as of 11 April 2017*, bit.ly/2fUGJSk (hereinafter: OCHA, *Northwest Syria – Flash update as of 11 April 2017*).

301 OCHA, *Northwest Syria – Flash update as of 11 April 2017*.

Even though the government did not explicitly order civilians to leave, the evacuation of al-Waer still appears to have violated the prohibition of forced displacement under international humanitarian law. Evacuees who spoke with Amnesty International insisted they did not have much of a choice, and that they were fleeing from a range of serious violations. They said it was the government's actions that compelled them to leave al-Waer, characterizing their displacement as forced. They invariably said they feared if they stayed they would be arrested³⁰² or worse. They said as a predominantly Sunni district they were under threat from pro-government Shi'a militias in surrounding villages. In addition they recounted previous examples of the Syrian military not honouring the terms of ceasefire agreements in Homs and other areas that evacuated under similar deals. Former residents specifically pointed out what happened after the February 2014 UN-sponsored ceasefire in the Old City of Homs, when men of fighting age who had surrendered were detained and some later disappeared.

In reference to these violations, a Beirut-based Western government official told The Guardian: "The UN did nothing about it," describing the February 2014 deal as one "that will long live in infamy".³⁰³ Amnesty International documented concerns about enforced disappearances³⁰⁴ after the Old City of Homs deal. Individuals held at a government "screening" centre set up in a school were removed to unknown locations and the occasional presence of UN representatives and journalists was no safeguard.³⁰⁵ One of the members of the al-Waer administrative committee who spoke with Amnesty International said local activists documented the names of scores of men held at that "screening" centre whose whereabouts remain unknown to this day.³⁰⁶

"The regime has no credibility," said a 27-year-old former resident who left to northern Aleppo governorate with his pregnant wife, mother, and extended family.³⁰⁷ "We know this regime's brutality full well... We saw the massacres they carried out in Old Homs. We saw how even those who signed 'settlements' are still missing... They [government forces] make no distinction between fighters and civilians, nor do they spare women, children or the elderly," he added.³⁰⁸ A mother of two who was displaced to al-Waer from another Homs neighbourhood that came under attack in 2012 echoed these remarks, saying: "There was no sense of security in al-Waer any more, none at all; we could not stay."³⁰⁹ She evacuated from al-Waer to Idlib, leaving behind a disabled, ageing father who was too frail to make the journey.

The agreement gave "wanted" residents a three-month period to undergo a security screening, during which no arrests were supposed to take place. It stated that Russian military police were responsible for co-ordinating with Syrian security agencies to guarantee the security of the residents who chose to stay. But former residents who opted to leave were sceptical. "There was talk there would be Russian protection for six months, but what after that? What was the guarantee that nothing would happen to us?" asked a woman whose husband was twice arbitrarily detained and released in the early years of the crisis. Violence had displaced them three times within Homs before they settled in al-Waer only to have to leave again.³¹⁰

Another decisive factor that former residents said had prompted many of them to leave was the issue of compulsory military service, or what they characterised as "forced conscription".³¹¹ With minimal exceptions, men of fighting age (18-42, according to Syrian law) who stayed in al-Waer were required to join the Syrian military within a six-month period after the agreement, something many in this former revolutionary stronghold were not willing to do.

"If I had stayed, I would have been taken to fight for the regime," said a 30-year-old activist who evacuated to Idlib with his parents and two siblings. "That's the fate of young men who stay... No one left the

302 Activists, journalists, medics, and teachers among others told Amnesty International they were specifically wanted by the government and therefore could not risk staying. Other former residents who said they were not wanted for specific activities related to the uprising also said they feared being arbitrarily detained.

303 Martin Chulov, "Syria rebels to abandon Homs district as part of ceasefire deal", *The Guardian*, 2 May 2014, bit.ly/2yerk3X

304 A violation of several fundamental rights. See, for example ICCPR, Articles 10, 14.

305 Amnesty International, *Updated briefing on sieges across Syria* (Index: MDE 24/023/2014).

306 Phone interview, 16 June 2017.

307 Phone interview, 15 June 2017.

308 Phone interview, 15 June 2017.

309 Phone interview, 22 May 2017.

310 Phone interview, 13 June 2017.

311 The Independent International Commission of Inquiry on the Syrian Arab Republic lists "forced conscription" among violations in Syria, explaining that "Conscientious objection to military service is based on the right to freedom of thought, conscience and religion, set out in the Universal Declaration of Human Rights and the ICCPR." UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, UN Doc. A/HRC/34/64, Annex I, para. 52.

neighbourhood willingly. Who leaves their home willingly? This was imposed on us. It is a very difficult situation,” he added.³¹²

A woman who had been raising three sons alone since her husband died in custody after being subjected to enforced disappearance in 2012 insisted there was no genuine choice. “It was the regime’s actions that forced us to leave... Until now there’s pain in our hearts that we had to leave Homs.” Had they stayed, she said, her 17-year-old “would have definitely been taken” to be conscripted. “I was even worried about my 15-year-old. Before the siege was tightened, when they [government forces] were allowing people to go to the checkpoint to collect bread, I saw with my own eyes how they were detaining boys the age of my [eldest] son. They [the boys] would just be buying bread and they would be snatched and dragged away like animals.”³¹³

In a statement before the UN Human Rights Council in June 2017, the Chair of the Commission of Inquiry, Paulo Sérgio Pinheiro, specifically highlighted the issue of coercion when addressing the plight of evacuees from al-Waer and other communities who experienced similar local agreements. “There is no voluntariness nor choice when those who stay often face the risk of being either arbitrarily arrested or forcibly conscripted. In despair, civilians see no option but to leave,” he said.³¹⁴

The process of leaving, too, was riddled with hardships, former residents said. “People were afraid. We were afraid that any minute the evacuation would fall apart... and the fighting would resume,” a nurse said.³¹⁵ Russian troops alongside Syrian government forces accompanied the convoys. While the Syrian Arab Red Crescent took part in the evacuation and distributed some food and water, no international organisation with a protection mandate was involved in the process. Long hours of waiting in the open for buses to fill up and convoys to prepare for departure left some children hungry and ill.³¹⁶ Evacuees in different batches reported varying restrictions on what they were allowed to take with them; the majority said they were only allowed two bags per person.

Three former residents who left in separate convoys in April and May 2017 told Amnesty International that their buses were stopped by foreign, pro-government militias who seemingly wanted to prevent their passage, but that the issue was resolved after the intervention of Russian forces. At least one incident was reported in which a convoy of evacuees was held up on the road due to fighting between the Islamic State armed group and government forces along the route of evacuation, former residents, including one witness, said. Many spoke of provocative actions by Syrian army soldiers and other government supporters, who made obscene gestures at the buses transporting evacuees. The indignity of evacuation, many said, was further exacerbated by conditions in the areas where they were arriving; among other destinations, some were dropped off at the cattle market in Idleb, others were taken to a muddy Aleppo governorate camp that was not quite ready to receive them.

6.4 POST-EVACUATION

The humanitarian needs of those who have been displaced from al-Waer have been far from met. Many evacuees are scattered between makeshift settlements and tent encampments that lack basic necessities. The vast majority of them are once again entirely dependent on very limited amounts of aid. An activist who has been documenting these conditions as he himself struggles to make ends meet said: “As displaced people, we are not living in poverty, we are living below poverty.”³¹⁷

Some of the most precarious conditions have been experienced by those living in Zoghara camp, home to more than 7,500 people.³¹⁸ The camp is located 20km west of Jarablus in north-eastern Aleppo governorate, where armed groups are backed by a Turkish military presence. Zoghara was set up and is run by the

312 Phone interview, 14 June 2017.

313 Phone interview, 22 May 2017.

314 UN Human Rights Council, *Statement by Mr. Paulo Sérgio Pinheiro, Chair of the Independent International Commission of Inquiry on the Syrian Arab Republic*, Geneva, 14 June 2017, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21741&LangID=E>

315 Phone interview, 18 June 2017.

316 People who were on the last convoy to leave on 20 May, for example, said they waited at an exchange point outside al-Waer for three days, sleeping inside the buses, until they finally headed off to their final destination in Aleppo governorate.

317 Phone interview, 12 June 2017.

318 On 4 May 2017, the Turkish NGO Humanitarian Relief Foundation (IHH) reported it was serving hot meals and handing out aid packages to 7,500 displaced people in Zoghara camp. More people arrived at the camp after that date; their exact number is not available.

Turkish governmental Disaster and Emergency Management Authority (AFAD) and the Turkish Red Crescent.³¹⁹ Former al-Waer residents told Amnesty International when they first got to the camp heavy rains soaked their tents and left them knee-deep in mud. Then came the scorching 40°C heat even before the summer was in full swing. There was no electricity, and one of the biggest issues was the lack of safe drinking water.

“There have been many cases of poisoning from the water. I was on IV fluids for three days after an episode of diarrhoea and vomiting,” one of those who has been displaced from al-Waer to that camp told Amnesty International.³²⁰ “We had put up with a lot for many years. All we wanted was a new beginning; we wanted a chance to live.” A group of medics who used to work in al-Waer’s al-Walid Hospital started a hospice in the camp. A nurse told Amnesty International they treated scores of children and adults who became sick from the water, operating with an inadequate amount of medication.³²¹

Outside the camps, too, the displaced have struggled. Several families said they are sleeping on mattresses in empty, basic rental accommodation they could not afford to furnish. A mother of four who was displaced from al-Waer to Idleb and is now living close to the Turkish border broke down in tears as she described to Amnesty International her family’s conditions. “It’s been three months and my husband can’t find a job; we can’t afford rent,” she said. “We are in such a daze and we have no way out.”³²²

The crushing conditions prompted some families from Zoghara camp to return to al-Waer. Around 176 families – an estimated 600 people – took over a dozen buses back to the now government-controlled neighbourhood in July.³²³ There are credible reports that members of the armed opposition groups tried to prevent some of those who wanted to return from doing so, but supervisors of the camp and others intervened and allowed them to leave freely. Their return was celebrated by state media and government officials.

But other former residents who were displaced from al-Waer under the agreement told Amnesty International returning home was not an option for them; they remained concerned, particularly about potential arrests. According to activists who spoke with Amnesty International and documentation by the Syrian Network for Human Rights, after armed groups completed their departure from al-Waer in May, five residents who had remained were arrested by government security agencies in June.³²⁴ A former medic shared with Amnesty International the names of those who are said to have been arrested.³²⁵ Amnesty International is unable to corroborate the details of these arrests with witness testimony.

Land and property rights remain a major concern for many of those who have been displaced. At least two civilians who evacuated from al-Waer, both medics, told Amnesty International their homes – one in al-Waer, the other in another Homs neighbourhood – were seized by the government after they had left because they were labelled as “wanted”. Furthermore, critics are concerned that measures by the government to digitise property records will irrevocably wipe out old records, creating further barriers for the displaced to return and reclaim their property.³²⁶ These barriers and others, including requiring security checks for land and property transactions,³²⁷ are particularly alarming as the government presses ahead with controversial reconstruction plans in Homs.³²⁸

319 See, for example, OCHA, *Northwest Syria – Flash update as of 11 April 2017*.

320 Phone interview, 15 June 2017.

321 Phone interview, 18 June 2017.

322 Phone interview, 13 June 2017.

323 Phone exchange with a member of al-Waer negotiating committee, 16 August 2017.

324 Syrian Network for Human Rights, *Civilians arrested by Syrian regime forces in al Wa’er neighbourhood in Homs city on June 10, 11 June 2017*, bit.ly/2sbP1JG

325 Phone interview, 13 June 2017.

326 The Syria Institute and PAX, *No Return to Homs: A case study on demographic engineering in Syria*, February 2017, bit.ly/2USZpU (hereinafter: The Syria Institute and PAX, *No Return to Homs: A case study on demographic engineering in Syria*), pp. 38-39.

327 Paul Prettitore, “Will forcibly displaced Syrians get their land back?”, Brookings, 21 July 2016, brook.gs/2vdsaQE

328 The Syria Institute and PAX, *No Return to Homs: A case study on demographic engineering in Syria*.



Satellite imagery from 31 May 2017 (on the right) shows the new Zoghara camp in an area that was still empty on 19 March 2017 (see left-hand image). The camp, located approximately 250km north-east of al-Waer, along the border with Turkey, was quickly constructed to accommodate people from al-Waer.

7. 'FOUR TOWNS'

“The armed groups released their frustration and tension on us every chance they got.”

Nurse from Foua

“The government and Hezbollah forces burned the agricultural fields, just as a form of punishment, even though we couldn't access [them].”

Teacher from Madaya

Prior to the armed conflict in Syria, agricultural lands and tourism were a source of pride and livelihood for residents of Zabadani and Madaya in Damascus Countryside governorate, 46km north-west of Damascus city. But two years of intense fighting between armed groups and the Syrian government reduced Zabadani to rubble and damaged Madaya's agricultural wealth. Some 400km away, residents of the towns of Kefraya and Foua, two adjacent, predominantly Shi'a towns in Idlib governorate, shared the same experience as they, too, saw their agricultural lands, once rich in wheat produce and historical olive trees, and their main source of livelihood, destroyed or damaged by two years of attacks by armed opposition groups.

The suffering of residents in these four towns was further compounded by the deteriorating humanitarian conditions resulting directly from the sieges of the respective parties to the conflict, which deprived their residents of access to food, medicine, and other basic necessities. The people in Madaya and Zabadani, who came under siege by Syrian government forces in July 2015, and the people in Foua and Kefraya, who came under siege by opposition groups in March 2015, became bargaining chips used in negotiations meant to achieve strategic interests.

The cruel logic of these sieges – described by the UN's humanitarian aid chief as “tit-for-tat”³²⁹ – left the welfare, security and fate of thousands of people in the four towns interconnected and dependent on the political and military feuds between the Syrian government, armed opposition groups and foreign governments.

In April 2017, the Syrian government and armed opposition groups, primarily Hay'at Tahrir al-Sham, reached a deal under the auspices of Iran and Qatar to lift their respective sieges and allow opposition fighters to evacuate from Madaya and Zabadani in exchange for the evacuation of residents and fighters from Kefraya and Foua. The deal was partially implemented; fighters evacuated Madaya and Zabadani and

³²⁹ UN Office for the Coordination of Humanitarian Affairs, *Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Stephen O'Brien: Statement to the Security Council on Syria*, New York, 25 July 2016, bit.ly/2y112oH

went to Idlib governorate, but only 8,000 out of 16,000 residents and fighters evacuated Kefraya and Foua.³³⁰ The Ahrar al-Sham Islamic Movement and Hay'at Tahrir al-Sham continue to besiege the two towns.

This chapter covers violations of international humanitarian law committed by the Syrian government in Madaya, on the one hand, and armed opposition groups in the two towns of Kefraya and Foua, on the other. As for Zabadani, interviews indicated that the vast majority of civilians fled to Madaya when the siege against the two towns began in July 2015, leaving behind opposition fighters.³³¹ Amnesty International interviewed 21 people from Madaya, Zabadani, Kefraya and Foua. The majority of residents interviewed left the four towns in April 2017 with the exception of one individual who remained in besieged Foua at the time of writing.

7.1 SIEGE: HUMANITARIAN CONDITIONS AND ACCESS

Armed opposition groups, primarily the Ahrar al-Sham Islamic Movement and Hay'at Tahrir al-Sham and allied groups, began to besiege Kefraya and Foua on 28 March 2015 after they successfully seized control of Idlib city.³³² Almost three months later, the Syrian government launched an aerial and ground offensive against Zabadani and Madaya and gained control of the road to Damascus city and the main supply route that crosses through both towns to the Qalamoun mountains.³³³ Subsequently, the Syrian government and its allies besieged both towns.

Residents who lived in Madaya and Kefraya and Foua prior to the evacuation deal told Amnesty International that the Syrian government, on the one hand, and armed opposition groups, on the other, sealed every entrance to the towns they besieged with checkpoints, preventing the entry of food, medicine or other basic necessities, restricting access to humanitarian aid and prohibiting civilians from leaving the towns. The residents in these towns faced the same survival challenges, including the dwindling purchasing power of their money due to inflated prices of food such as grains and vegetables.

A mother displaced from Zabadani to Madaya in July 2015 told Amnesty International:

I had no food reserves because I had fled the fighting in Zabadani to Madaya... I rented a home which had nothing but furniture and a fridge that was useless because we didn't have electricity. By the end of August 2015 all I had in the house was water and some spices, which was the only thing I could afford... You could find rice, bulghur, lemon and salt in the shops but the prices were unrealistic and there was no way I could have afforded to buy 200g of anything. The shop owners – very few of them – were able to bribe the checkpoints and sell grains at a very expensive price. The one abundant commodity was cigarettes. That used to get in more easily than rice and bulghur... A kilo of milk cost 120,000 Syrian pounds [US\$551]. Some bought two spoons for 5,000 Syrian pounds [US\$23].³³⁴

A mother of three and former resident of Foua described to Amnesty International the suffering she endured as a result of the siege:

They [armed opposition groups] surrounded us from all sides. My youngest son always asked me why we couldn't leave the town or play in the streets any more... Shop owners who had stocks of food or had enough money to bribe armed groups were able to keep their shops open. The prices were so high that only the wealthiest people could afford to buy what they needed. A kilo of sugar cost 35,000 Syrian pounds [US\$160], a kilo of salt 30,000 pounds [US\$137]... and a kilo of rice or bulghur around 13,000 pounds [US\$60].³³⁵

A former resident of Foua who used to commute to Idlib city for his work before the siege began added:

330 Interviews with former residents of Kefraya and Foua, June-September 2017.

331 Interviews with two members of the local committee, one person working in the field hospital and an activist, July 2017.

332 Al Jazeera, "Two years under siege, and it ends with displacement", 14 April 2017, www.aljazeera.com/news/2017/04/exchange-residents-begins-evacuation-deal-170414051642212.html; UN Office for the Coordination of Humanitarian Affairs, *Humanitarian bulletin: Syria operations from Turkey*, 30 March 2015, bit.ly/2y2nk6N; Al Jazeera, "Hezbollah announces the start of a major offensive on Zabadani", 4 July 2015, goo.gl/augnYt

333 Mustafa al-Haj, "Regime forces tighten noose on opposition in Zabadani", Al-Monitor, 21 July 2015, www.al-monitor.com/pulse/originals/2015/07/syria-zabadani-regime-advance-opposition-besieged.html; Shawn Carrié, "Anatomy of a Siege: The Story of Madaya", *News Deeply*, 28 January 2016, www.newsdeeply.com/syria/articles/2016/01/28/anatomy-of-a-siege-the-story-of-madaya

334 Phone interview, 4 July 2017. All conversions to US dollars in this quotation reflect rates during July 2015.

335 Phone interview, 24 July 2017. All conversions to US dollars in this quotation reflect rates during the period concerned.

People sold stuff they had already stored before the siege began, at unaffordable prices. Some people also grew vegetables in their gardens, and sold it to others who didn't have any vegetable produce but for very expensive prices. For example, a kilo of cucumbers or tomatoes cost 1,500 Syrian pounds [US\$7], a litre of oil 35,000 pounds [US\$160] and a kilo of wheat grain 10,000 pounds [US\$46]. People had to sell what they had, so they could buy what they didn't have. A man who had tomatoes but needed milk would have to sell the tomatoes he could live without, in order to buy the milk for his child. We all had to find ways to survive.³³⁶

Prior to the conflict, agricultural produce such as vegetables, grains and olives fulfilled the needs of residents in Madaya, Zabadani, Kefraya and Foua. However, residents interviewed by Amnesty International said that they had no access to agricultural fields during the siege. For example, former residents of Madaya said that the Syrian government and their allies had prevented them from accessing the fields by setting up checkpoints at the entrance. A teacher who formerly lived in Madaya said: "We had agricultural fields, yes, but we couldn't access the lands because of the checkpoints. The government and Hezbollah took control of the lands by setting up checkpoints at each entry point to Madaya."³³⁷

Another teacher who formerly lived in Madaya told Amnesty International:

In July 2015, Madaya was completely blocked from all sides by the Syrian government. Nothing could go in or out. During the same period, the government and Hezbollah forces burned the agricultural fields, just as a form of punishment, even though we couldn't access the fields due to the checkpoints. It was only to break people's hearts, because our wealth was in our fields.³³⁸

Armed opposition groups resorted to the same tactics in Kefraya and Foua. Residents described to Amnesty International how armed opposition groups shelled agricultural fields surrounding both towns with bombs whose explosions burned crops and destroyed fields. A taxi driver from Kefraya told Amnesty International: "We watched the wide and rich agricultural fields burn. These fields we were once proud of burned in flames in front of our eyes."³³⁹

Besides shelling and destruction, residents added that they were unable to reach or use the few agricultural fields located between Kefraya and Foua because of sporadic sniper shooting, lack of access to water, to fuel needed to operate the machinery or to pesticides. As a result, residents used their garden plots to grow limited amounts of vegetables. A resident still besieged in Foua told Amnesty International:

We have agricultural lands surrounding both villages but we can't access these lands because of the snipers. We planted wheat but in the first days of the siege, as soon as the harvest season started, the armed groups shelled the lands and burned the harvest. We stopped accessing the lands because it became too dangerous. We have small agricultural lands between both villages where we use to plant some vegetables, but during the summer we don't have any produce because we don't have any water.³⁴⁰

In light of these circumstances, residents of Madaya, Kefraya and Foua had to rely on humanitarian aid in order to survive. But that access was contingent on the approval of the Syrian government and armed opposition groups; in other words, the Syrian government only allowed UN access to Madaya and Zabadani if the armed opposition groups did the same in Kefraya and Foua, and vice versa. The UN and its implementing partners distributed aid to the four towns on nine occasions between October 2015 and March 2017.³⁴¹ More than 60,000 people in the four towns were left on two occasions without any access to aid for

336 Phone interview, 6 September 2017.

337 Phone interview, 6 July 2017. All conversions to US dollars in this quotation reflect rates during the period concerned.

338 Phone interview, 20 June 2017.

339 Phone interview, 31 July 2017.

340 Phone interview, 14 August 2017.

341 See, for example, UN, *Daily Press Briefing by the Office of the Spokesperson for the Secretary-General*, 20 October 2015, www.un.org/press/en/2015/db151020.doc.htm; UN Office for the Coordination of Humanitarian Affairs, *Flash Update-#2- Madaya/Bqine*, 17 January 2016, bit.ly/2glFbhs; UN News Centre, *Overnight aid deliveries reach four Syrian towns while situation in east 'extremely grave'* - UN, 19 January 2016, www.un.org/apps/news/story.asp?NewsID=53040#.WTqgq-uGOUk; Physicians for Human Rights, *Madaya: Portrait of a Syrian Town Under Siege*, July 2016, s3.amazonaws.com/PHR_Reports/madaya-portrait-of-a-syrian-town-under-siege.pdf; UN Office for the Coordination of Humanitarian Affairs, *Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Stephen O'Brien: Statement to the Security Council on Syria*, New York, 24 February 2016, bit.ly/2xq8Ssb; UN Office for the Coordination of Humanitarian Affairs, *Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Stephen O'Brien: Statement to the Security Council on Syria*, New York, 29 September 2016, bit.ly/2y52lLs; UN Office for the Coordination of Humanitarian Affairs, *Under-*

periods of four to five months in 2016 and 2017.³⁴² This retaliatory dynamic severely restricted and delayed access to aid causing a devastating toll on residents. In Madaya, gruesome images and videos of men, children and women surfaced online in early 2016 after the residents had run out of the aid provided to them in October 2015.³⁴³ Amnesty International interviewed residents who shared harrowing accounts of the hunger and starvation they endured in late 2015.³⁴⁴ According to Physicians for Human Rights, 65 people died from starvation and malnutrition between July 2015 and May 2016.³⁴⁵ After mounting international pressure, the Syrian government allowed humanitarian aid convoys to enter Madaya while the armed opposition groups allowed aid into Kefraya and Foua.

Witnesses told Amnesty International that the aid distributed to families in Madaya, Kefraya and Foua was never enough to meet their needs. Residents told Amnesty International that, because of this and severe delays in aid distribution, they had to adjust the number of times they ate to only once or twice per day. During almost two years, residents had limited, if any, intake of meat, chicken or dairy products.

A mother of three and former resident of Madaya told Amnesty International:

For the first eight months of the siege, each one of us at home lived on a cup of bulghur or rice. We had flour only when aid was allowed in. The amount of aid that entered was very small, between 20 and 30kg for every family of three or four members. The problem was that aid entered every three to four months. I saw people, especially children, faint in front of me. Once in 2016, my nephew got really sick so his mother paid a lot of money for a small bottle of syrup medication which smelled like orange, something we didn't have in Madaya. She gave her son one spoonful and put the bottle aside. My niece thought it was juice so she took the bottle and drank it all. We saw her when she finished the bottle. She looked at me and said: 'I want orange juice for Ramadan'. She then collapsed... Luckily she survived.³⁴⁶

A mother who fled Zabadani to Madaya before the offensive began in July 2015 described to Amnesty International how she and her daughter had survived the siege:

I had a few food reserves in Zabadani, but then I had nothing in Madaya... no money to buy [anything]. So for the first three months my daughter and I survived on water and green leaves. That was it. Nobody believes that a human being can survive on that, but we did because our faith was strong. We fought hunger with water and leaves... Things got better when we received aid and things got bad again when the aid finished. When my daughter saw the bags of rice, she couldn't believe her eyes. The UN gave us only small amounts so I had to be careful to only eat one or two spoonfuls per day and my daughter four [spoonfuls] because we were worried that it would take them another six months before they could bring in aid again.³⁴⁷

A widow and mother of three from Foua told Amnesty International:

We didn't have enough food. There was no fuel or electricity. We had to rely on aid which entered only every four months. The quantity was very small. My children and I only ate one meal per day. I couldn't

Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Stephen O'Brien: Statement to the Security Council on Syria, New York, 30 March 2017, bit.ly/2hXvJV3

342 UN Office for the Coordination of Humanitarian Affairs, *Syria Crisis: Bi-weekly Situation Report No. 08*, 4 July 2016, bit.ly/2gVlaQ; UN Office for the Coordination of Humanitarian Affairs, *Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Stephen O'Brien: Statement to the Security Council on Syria*, New York, 25 July 2016, bit.ly/2y112oH; UN Office for the Coordination of Humanitarian Affairs, *Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Stephen O'Brien: Statement to the Security Council on Syria*, New York, 22 August 2016, bit.ly/2wGrm3d; UN Office for the Coordination of Humanitarian Affairs, *Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Stephen O'Brien: Statement to the Security Council on Syria*, New York, 21 November 2016, bit.ly/2xreTQJ; UN Office for the Coordination of Humanitarian Affairs, *Appeal: "For immediate access to the Four Towns of Al-Zabadani, Al-Fu'ah, Kafraya and Madaya"*, 13 February 2017, bit.ly/2fZRbby

343 See, for example, Medical authority of Madaya Facebook page, "This is Madaya where hunger rips through people anyone to respond...", 8 January 2016, www.facebook.com/medicalauthorityofmadaya/videos/495131667332846/; Medical authority of Madaya Facebook page, "The child Mohamad Ali Ayoub 8 martyred due malnutrition", 27 February 2016, www.facebook.com/medicalauthorityofmadaya/videos/513351285510884/

344 Amnesty International, *'In Madaya you see walking skeletons': Harrowing accounts of life under siege in Syria* (Press release, 8 January).

345 Physicians for Human Rights, *Madaya: Portrait of a Syrian Town Under Siege*, July 2016, s3.amazonaws.com/PHR_Reports/madaya-portrait-of-a-syrian-town-under-siege.pdf

346 Phone interview, 26 July 2017.

347 Phone interview, 7 July 2017.

afford to buy anything. We had a few vegetables grown in the garden but that was only during a few months in the year. We ate a piece of bread only in the morning.³⁴⁸

In Kefraya and Foua, the Syrian government parachuted from warplanes parcels of food and other supplies such as fuel. However, according to witnesses, the supplies were dropped once every 10 days and in very limited amounts. For example, once per week the warplane would drop one type of food, either bread, sugar, salt, grain or jam.

An activist from Foua told Amnesty International:

The food dropped by the warplanes was not enough because they couldn't carry many supplies so each family got 100g of sugar, rice, sugar, etc. The terrorists would fire at the warplanes dropping the parachuted food just to prevent us from eating. Also the children didn't have the energy to study. We didn't have enough carbs or sugar to feed them. There were no fruits whatsoever. We didn't have bakeries. We would use spelt to make flour and bread on a wood fire. When we ran out of spelt, we used to soak the spaghetti that was sometimes dropped from the warplanes to produce a paste to bake bread.³⁴⁹

A resident still living in Foua added:

Everyone started eating less. We didn't have enough food supplies. The Syrian government dropped food but the quantity was too small. The prices of whatever food that was smuggled in or already stored was very expensive. People didn't have money to buy things. So we relied on the very small amounts of vegetables we had. In the beginning we had cattle so we had meat but then that ran out after maybe six to eight months. The food we had stored ran out. We started eating less. For example, I used to eat a loaf of bread before the siege, I started eating a quarter of a bread [loaf] and relied on the vegetables I planted in the garden like mint and parsley.³⁵⁰

When the siege began in Kefraya, Foua and Madaya, residents no longer had access to hospitals and medical services in Idlib and Damascus city. Local doctors, nurses and medical students set up two field hospitals in Foua and Madaya. They told Amnesty International that medical care in both towns was limited to first aid due to the severe shortage of medicine such as painkillers and antibiotics and surgical supplies, in particular anaesthetics, as a result of restrictions imposed by the parties to the conflict on deliveries. The Syrian government and armed groups allowed the UN and its implementing partners to bring out a total of some 500 of the injured and ill from Kefraya, Foua and Madaya over the course of at least 10 evacuations between 2015 and 2017, but such measures were far from adequate as many others died or suffered unnecessarily while waiting for the chance to leave.³⁵¹

In October 2016, the UN reported that the last medical centre in Madaya had been shut down “due to a shortage of medical equipment, resources and expertise to deal with critical injuries at their makeshift field hospital”.³⁵² Amnesty International interviewed a student from Madaya who was in his fifth year at university studying to be a dentist when the uprising began. He told Amnesty International that a field hospital had been set up in Madaya in 2013 to provide basic medical services to residents:

We had one surgeon and an anaesthetist. The surgeon left in 2015 when the military offensive began and the anaesthetist left on 13 January 2016. The Syrian government used to allow food and medical supplies to enter before the siege began. When the siege officially began in July 2015, we couldn't get any medicine in, not even by bribing soldiers at checkpoints. We were left without medicine or specialists, so we could not operate on serious injuries caused by snipers and shelling. We didn't have any labs or equipment to conduct any tests, especially for the ill people, or the ability to diagnose diseases. In late 2015, I received several cases of children who looked like skeletons because they had

348 Phone interview, 2 August 2017.

349 Phone interview, 14 August 2017.

350 Phone interview, 14 August 2017.

351 See for example: UN News Centre, *Syria: UN and partners aid evacuation of injured from four besieged towns*, 28 December 2015, www.un.org/apps/news/story.asp?NewsID=52911#.Wbo_6bljG01; UN Office for the Coordination of Humanitarian Affairs, *Statement to the Security Council on Syria*, 28 April 2016, bit.ly/2hUyDKh

352 Winsome Denyer and Sophie McNeil, “Syria war: Civilians in Madaya continue to starve as conflict rages on in besieged town”, ABC, 20 November 2016, www.abc.net.au/news/2016-11-21/syria-war-civilians-in-madaya-continue-to-starve/8033062; Youtube, mbic mbic, “Statement by the medical committee in Madaya and Beqine on ending the closure of the only medical point in Madaya”, 26 October 2016, www.youtube.com/watch?v=NuGAX9pD3DE&feature=youtu.be

no food to eat. We ran out of sterilising products so the field hospital was not the best environment to treat the injured or the sick. We had to heat up the equipment as an alternative method for sterilising... We asked for oxygen masks but they didn't give us any so we had to intubate patients and keep getting oxygen to them during the procedure.³⁵³

Amnesty International interviewed two nurses who described to Amnesty international the deteriorating medical care in Foua and Kefraya. One of them said:

We only had one small field hospital in Foua, which also covered Kefraya. We didn't have the capacity or the supplies to respond to all the injured and sick people. The people who are now left behind in Kefraya and Foua barely have any medical supplies. When we left there was no more oxygen or paracetamol. We used to do surgery without any anaesthesia. We only had two surgeons and the others were not specialists... Around 3,000 people, including 1,000 fighters, were killed and injured between the start of the siege and the evacuation of civilians.³⁵⁴

The second nurse added:

The field hospital in Foua was covering Kefraya's needs too. We received serious injuries but we couldn't provide any proper services because of the lack of medicine and surgical supplies... We had two surgeons but the other medical staff did not have proper expertise to address the most recurrent injuries such [as those] affecting the nervous system and amputations. We rarely got any medical supplies from humanitarian organisations. We received once very limited quantities of painkillers and anaesthetics, which lasted for a month or so... At least 2,000 civilians were injured and killed during the siege as result of illnesses and attacks.³⁵⁵

Residents in Madaya, Kefraya and Foua had been relying on fuel-run generators to produce power for their homes, hospitals and other vital services as a result of severe power cuts. However, when the sieges began, parties to the conflict obstructed access to fuel, which also had the adverse effect of disrupting water supplies to households since water is electrically pumped to households' tanks. In Madaya, residents transported water in buckets from the natural spring but that often exposed them to sniper attacks.

Residents in Kefraya and Foua had no access to potable water and depended on the availability of fuel to pump water from improvised wells. A former taxi driver from Kefraya told Amnesty International:

They used to drop fuel in parachutes but the barrel would explode in the air when armed groups shot at it. Sometimes the barrel would explode when it landed. During the siege, we didn't have regular water supplies, not even to take a shower... It all depended on the availability of fuel. When it was available, the local committee extracted water from the ground, which was contaminated, but we didn't have any other choice but to drink it.³⁵⁶

Residents in Madaya, Kefraya and Foua developed substitute survival methods – described by many as “Stone Age techniques” – including burning plastic furniture and garbage to produce an alternative substance to fuel that would allow them to operate generators and cars, as well as burning wooden furniture, shoes, trees or any other inflammable objects in order to stay warm during the winter.

A teacher from Madaya told Amnesty International:

Wood is expensive so we started burning plastic, furniture, shoes, and clothes – anything we could find. The walls in our house were black because of the burning. We had no fuel whatsoever. The local committees started extracting a substance from burning plastic which was used to operate generators and cars. The good thing about burning anything you could find was that the streets were clean from garbage.³⁵⁷

Despite the evidence to the contrary, in a letter dated 29 October 2017 responding to Amnesty International's request for information on the siege of Kefraya and Foua, the Ahrar al-Sham Islamic Movement rejected claims that the armed opposition groups in that area had blocked access to food, water,

353 Phone interview, 3 July 2017.

354 Phone interview, 1 August 2017.

355 Phone interview, 2 August 2017.

356 Phone interview, 31 July 2017.

357 Phone interview, 6 July 2017

electricity, medical aid or fuel. It argued that it was as a result of the violations by the Syrian and Russian governments, including the blocking of access to aid in northern Homs, al-Waer and Daraya and attacks on civilians in Idlib city and the opposition-controlled villages surrounding Kefraya and Foua, that public anger was generated within these communities and created the obstacles that impeded the entry of humanitarian aid to the two towns.

7.2 ATTACKS ON CIVILIANS AND CIVILIAN OBJECTS

Compounding matters, residents also suffered tit-for-tat attacks by the warring parties. A teacher from Madaya described to Amnesty International the state of constant fear they lived in: “We used to follow the news all day and all night. We wouldn’t leave our homes when we read that someone had died in Kefraya and Foua from the shelling. If you had injured people in Kefraya and Foua, it meant we would have injured people as well. The snipers would get active every time there was an attack on Kefraya and Foua.”³⁵⁸ A nurse from Foua, described the same situation: “Every time the Syrian government attacked a place, we would be attacked. If [the planet] Mars was attacked, Kefraya and Foua would be attacked. The armed groups released their frustration and tension on us every chance they got.”³⁵⁹

7.2.1 VIOLATIONS BY THE SYRIAN GOVERNMENT IN MADAYA

Syrian government and allied forces, including Hezbollah, repeatedly targeted civilians in Madaya during the siege, killing and injuring scores of civilians. According to the Violations Documentation Center in Syria, attacks by Syrian government and allied forces killed 51 civilians between 1 July 2015 and 14 April 2017, the majority of them as a result of sniper fire.³⁶⁰ Residents of Madaya told Amnesty International that snipers positioned at checkpoints which encircled the town targeted civilians in the streets and near their homes, even during intermittent ceasefire agreements implemented during the siege. The situation forced civilians to move around by walking through residents’ homes or small passages out of sight of government forces. It also restricted access to particularly important locations such as the local springs, which were the only source of water for Madaya’s residents.

Amnesty International interviewed six residents who either witnessed or were victims of attacks by snipers positioned at checkpoints. A mother who fled Zabadani to Madaya before the offensive began in July 2015 witnessed the shooting of two women who were picking grass for food in a small garden in April 2016. She described the incident to Amnesty International:

I was sitting on the porch when I saw two women walking towards an empty piece of land where grass had grown... They were each shot by a sniper as soon as they knelt to pick the grass. I felt so helpless. One was shot in the leg and the other in the hip. One man went to help them but got shot. He collapsed on the ground and stopped moving. Then two other men tried as well but got shot. The three men died; two of them had been shot in the head... I saw it with my own eyes. The women started crawling until they reached the porch of a house close to mine. A family quickly dragged them inside. They survived.³⁶¹

She also told Amnesty International about the difficulties of accessing water: “I carried water buckets from the water spring in Bouqein and walked all the way from there almost every day. The days that I didn’t go – it was because the snipers were very active. We also mapped out hidden roads which the snipers couldn’t see. We used these roads to go to the water springs.”³⁶²

Another mother who fled the violence in Zabadani to Madaya in July 2015 was shot by a sniper with her daughter. She recounted the attack to Amnesty International:

I thought we had escaped the worst [in Zabadani] but I was wrong. We endured horrific circumstances. The worst was when my 12-year-old daughter and I were shot by a sniper. Nobody could sit on the balcony or walk on the street in the open without being at risk of a sniper attack. In early 2016, when

³⁵⁸ Phone interview, 6 July 2017.

³⁵⁹ Phone interview, 2 August 2017.

³⁶⁰ The list of casualties has been published by the Violations Documentation Center in Syria, available at bit.ly/2g7aUTo

³⁶¹ Phone interview, 4 July 2017.

³⁶² Phone interview, 4 July 2017.

the ceasefire was implemented, I was standing with my daughter on the balcony thinking it was safe to do so when I was shot in my lower leg and my daughter in her head. We both survived but with agonizing pain for two months. The field hospital urged the UN to evacuate her but to no avail. The field hospital couldn't do anything for her. The bullet scratched the surface of her head, resulting in a wound. The field hospital gave her paracetamol and anti-inflammatory pills, which did not ease the pain at all. When they received sedatives from the UN, I had to beg the doctor to give her some. I was in pain too but they only had enough painkillers for one person. The doctor removed the bullet from my leg without anaesthetic. I screamed like there was no tomorrow.³⁶³

A mother of three and former resident of Madaya was shot in the leg on 10 February 2017 in Madaya and evacuated for medical treatment to Idlib governorate in April 2017 as part of the “four towns” deal. She feared that the Syrian government might retaliate against her if she stayed in Madaya to seek medical care at a hospital in Damascus city because her brother was vocal against the Syrian government on social media. She said:

I was standing at the entrance of my house when I was shot from the checkpoint around 150m away. I saw Hezbollah and government fighters looking at me after I walked from the garden to the entrance of the house. The garden is just in front of the house, 10m away. The name of the checkpoint is Baydoun. I was shot in my left leg 2cm above my ankle. The sniper shot twice; the first bullet struck my leg and the second one hit the wall of the house. I cried for help. The pain was unbearable. I started crawling until I was out of the sniper's sight. My husband and a relative of mine pulled me. They took me to the field hospital but we only had a dentist and a veterinary doctor so they only managed to clean the wound. I had to leave [to Idlib] to have surgery because the wound was still open and the muscle and bone had not mended.³⁶⁴

The repeated sniper attacks on civilians in Madaya appear to amount to direct attacks against civilians, which are prohibited by international humanitarian law. Directly targeting civilians not taking a direct part in hostilities is a war crime.

7.2.2 VIOLATIONS BY ARMED OPPOSITION GROUPS IN KEFRAYA AND FOUA

Armed opposition groups attacked and shelled civilian areas in Foua, killing and injuring civilians and destroying and damaging civilian objects. The attacks came from Bennish to the south of Foua, and Taftanaz, Zarzana, Ram Hemeda and Maaret Mesrine to the north. They also shelled Kefraya from the highway linking Bab al-Hawa with Idlib city. Amnesty International reviewed videos posted on YouTube accounts affiliated with armed opposition groups in Idlib that show armed groups shelling Kefraya and Foua using projectiles fitted with gas canisters known as “hell cannons”, improvised rocket assisted munitions (IRAMs) known as “elephant rockets”, mortars and Grad-type rockets fired from improvised launchers. These types of explosive weapons should not be used in densely populated areas as they lack the ability to be aimed at a specific target. Their repeated use violates the prohibition of indiscriminate attacks and when it results in the killing and injury of civilians constitutes war crimes. According to the local field hospital in Foua, at least 3,000 people, most of them civilians, were killed in indiscriminate shelling of civilian areas located far from the front lines.

A local activist from Foua was injured in an attack on her house in March 2015. She told Amnesty International that a gas canister filled with explosives destroyed part of her home located around 1km away from the front line.³⁶⁵ She added that two schools, called Bassam al-Omar and Fehmi Zein, were destroyed by a suicide bombing and indiscriminate shelling, respectively, during the first three months of the siege. Local teachers established makeshift schools, which children attended to learn Arabic, English and maths only three hours per day in the morning out of fear of shelling. A former taxi driver from Kefraya told Amnesty International:

We were scared to send our two children to school because of the shelling, as well as the snipers who shot at the children when they saw them dressed in blue uniforms on their way to school. We found

363 Phone interview, 7 July 2017.

364 Phone interview, 26 July 2017.

365 Phone interview, 14 August 2017.

ways to get the students safely to school but it was still dangerous because the shelling was unpredictable.³⁶⁶

A mother of three and former resident of Foua told Amnesty International that her house, located kilometres away from the front line, was shelled three times during the siege. She said:

Once a bomb fell in front of the house covering the door with shrapnel, the second time it fell on the roof but it didn't explode and the third time a bomb fell in the kitchen but no one was injured. We didn't have a basement so we had to run to my cousin's house when the shelling began. During the first two months of the siege, a fuel tank exploded due to the shelling seconds after we arrived at my cousin's house.³⁶⁷

The father of a resident still besieged in Foua was killed in an attack on their home around 8am on 30 August 2015, one day after a ceasefire agreement collapsed. The son told Amnesty International:

Our homes are modest. They are made of cement that can easily be destroyed. My father was on the ground floor with my mother and sister when several bombs fell on the house. The shelling intensified. My father was injured by shrapnel in the eye, liver and kidney and later died of his injuries because the field hospital lacked the resources, expertise and supplies to help him. The house is 1.5km away from the front line.³⁶⁸

In December 2016, the field hospital in Foua was destroyed by shelling. A nurse working in the field hospital told Amnesty International:

I don't remember the exact date but it was on a Tuesday when Foua was shelled with at least 10 rockets. The hospital was located in a residential home far from the front line. It was partially destroyed that day so we had to move it elsewhere. The supplies we had were destroyed. We moved the hospital to a basement with very bad conditions for the sick and the injured. The humidity was awful. We divided the basement into three rooms using bed covers.³⁶⁹

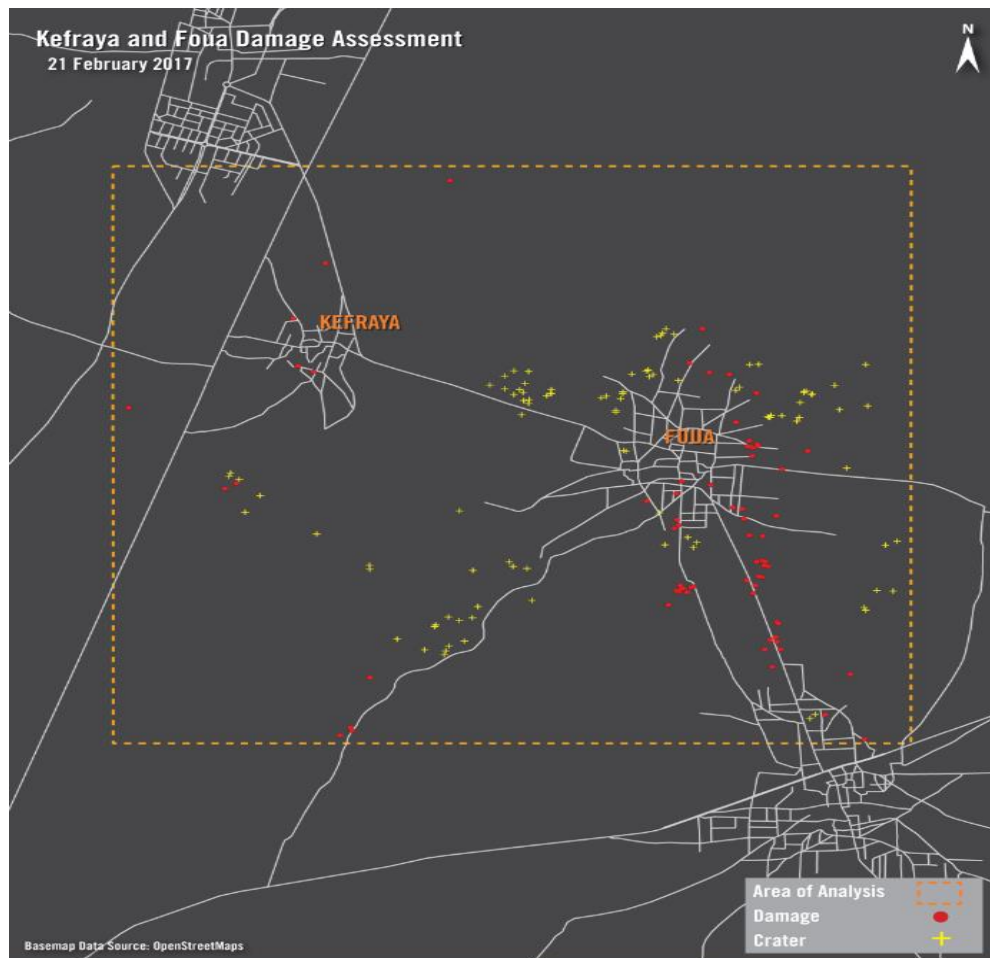
Amnesty International analysed satellite imagery from 21 February 2017 covering 25km² of land in and around Kefraya and Foua and identified 72 structures that had been damaged or destroyed and over 100 craters in the landscape. Its assessment is that this damage occurred during the period between 28 March 2015, the date when the siege by armed opposition groups began, and 21 February 2017 as there was no heavy fighting in the area before then.

³⁶⁶ Phone interview, 31 July 2017.

³⁶⁷ Phone interview, 24 July 2017.

³⁶⁸ Phone interview, 14 August 2017.

³⁶⁹ Phone interview, 2 August 2017.



Analysis of satellite imagery from 21 February 2017 showing 72 structures damaged or destroyed and over 100 craters in an area of land of 25km² in and around Kefraya and Foua.

7.3 DISPLACEMENT OF CIVILIANS

Intermittent ceasefire agreements in relation to the four towns evolved through negotiation into an evacuation deal in 2017 that was supposed to end the sieges and armed hostilities. The first ceasefire agreement began to be implemented on 22 September 2015 following negotiations between parties to the conflict facilitated by the office of the UN Special Envoy for Syria in Istanbul.³⁷⁰ The agreement, which lasted for six months, involved a halt to hostilities, distribution of humanitarian aid, and evacuation of the injured and ill in urgent need of medical care under the supervision of the UN. Between 2015 and 2016, similar ceasefire deals were negotiated between parties to the conflict but none of these agreements ended the sieges or hostilities.³⁷¹

At the end of 2016, parties to the conflict shifted their demands for ceasefires to the evacuation of people from the four towns. According to information compiled by the UK-based newspaper *The Guardian*, the Iranian and Qatari government negotiated the release of members of the Qatari royal family taken hostage by Kata'eb Hezbollah, an Iraqi armed group allied to Iran, Syria and Lebanon's Hezbollah, in exchange for the

370 Mariam Karouny and Tom Miles, "Warring sides in Syria reach agreement on two villages, border town, sources say", Reuters, 24 September 2015, www.reuters.com/article/us-mideast-crisis-syria/warring-sides-in-syria-reach-agreement-on-two-villages-border-town-sources-say-idUSKCN0R01XN20150924

371 Al Manar, "Foua and Kefraya... twins of siege and struggle", 22 April 2017, www.almanar.com.lb/1910313

evacuation of Kefraya and Foua.³⁷² In April 2017, as the negotiations concluded, the hostages were released as part of the “four towns” deal.

A former member of the Ahrar al-Sham Islamic Movement who said he participated in the negotiations leading to the ceasefire agreement in 2015 told Amnesty International:

The negotiations started in early September 2015. There were indirect messages from both sides signalling their willingness to sit down and negotiate the future of the four towns. Messages were sent through the UN; the original scope was to freeze the fighting. During the negotiations, the Iranians stated that they would be willing to negotiate the future of the entire south [referring to Damascus and Damascus Countryside governorate, including Madaya and Zabadani] and north [referring to Foua, Kefraya, Nubul and Zahra] in Istanbul. Ahrar al-Sham demanded a ceasefire for up to six months on all fronts, the opening of humanitarian passages to all besieged cities, and the release of prisoners, especially women and children, and presented a detailed list of up to 40,000 prisoners, about 10-15,000 of them women and children. The Iranians requested the evacuation of Foua and Kefraya, but later indicated that they would rather include Nubul and Zahra³⁷³ in the deal, as long as the rebels included Ghouta and all the areas surrounding Damascus. Basically they proposed to “exchange the north for the south”.

Demands changed and evolved as the negotiations moved forward... The situation changed in October 2016 when the issue of the Qatari royal hostages in Iraq became part of the negotiations. Iran tried to include Kefraya and Foua in the deal on eastern Aleppo city but it didn't work until they obstructed the evacuation. After that, they demanded the evacuation of all of Kefraya and Foua. Ahrar al-Sham did not want that. The Qatari hostages issue sidelined Ahrar al-Sham, so as of November 2016 the al-Nusra Front was commissioned to proceed in the negotiations with Iran instead of us... The negotiations resulted in the evacuation agreement in 2017.³⁷⁴

Despite such statements, in a letter dated 29 October 2017 responding to Amnesty International's request for information on its involvement in the negotiation of local “reconciliation” agreements, the Ahrar al-Sham Islamic Movement denied participating in any negotiations or signing any agreements with the Syrian government.

Amnesty International has not managed to obtain a copy of the “four towns” agreement. However, then UN humanitarian chief Stephen O'Brien stated that the UN was informed on 30 March 2017 that parties to the conflict had reached a deal which involved the evacuation of people from Madaya, Zabadani, Kefraya and Foua, the entry of humanitarian assistance, and a halt to hostilities for nine months.³⁷⁵ The media reported that the agreement also included the exchange of prisoners between the Syrian government and armed opposition groups and the evacuation of fighters from Yarmouk camp, a Palestinian camp inside Damascus besieged by the Syrian government.³⁷⁶

The first phase of the agreement was implemented on 12 April 2017 when fighters in Foua released 16 prisoners and the bodies of eight other individuals to the armed opposition groups in return for the release of 19 prisoners and the body of one other individual.³⁷⁷ On 14 April, 75 buses transferred 5,000 people from Kefraya and Foua to a transit area in the opposition-held Rashidin neighbourhood of Aleppo while 60 buses transferred 2,350 people from Madaya to a transit area in the government-held Ramouseh suburb of Aleppo. Those from Kefraya and Foua were then supposed to cross into government-controlled Aleppo city and those

372 Martin Chulov, “Qatari royal family members used as leverage in Syrian population swap”, *The Guardian*, 14 April 2017, www.theguardian.com/world/2017/apr/14/besieged-syria-towns-evacuated-as-regime-and-rebels-begin-huge-people-swap; Martin Chulov, “Qatari royals released from captivity as part of Syria population swap deal”, *The Guardian*, 21 April 2017, www.theguardian.com/world/2017/apr/21/qatar-royals-released-iraq-syria-four-towns-deal

373 In February 2016, the Syrian government broke the siege of Nubul and Zahra, whose population is predominantly Shi'a Muslim. It had been imposed by armed opposition groups in 2012.

374 Email correspondence and phone interview with a former member of the Ahrar al-Sham Islamic Movement on 15 August 2017 and 16 August 2017 respectively.

375 UN Office for the Coordination of Humanitarian Affairs, *Statement to the Security Council on the humanitarian situation in Syria*, 30 March 2017, bit.ly/2hXvJV3

376 BBC, “Syria conflict: ‘Deal reached’ for four besieged towns”, 29 March 2017, www.bbc.co.uk/news/world-middle-east-39426162; Palestinian Refugee Portal, “Implementation of the four towns deal stopped”, 6 July 2017, bit.ly/2f8ipwh

377 Office of the UN High Commissioner for Human Rights, *Syria: Four Towns Evacuations*, 20 April 2017, bit.ly/2kwCOII (hereinafter: OHCHR, *Syria: Four Towns Evacuations*).

from Madaya to opposition-controlled Idlib governorate.³⁷⁸ People interviewed by Amnesty International who experienced these evacuations explained that they had had to wait for around 24 hours in the transit areas without any explanation. They said that, during that time, Syrian government forces, on the one hand, and armed opposition groups, on the other, restricted the movement of civilians, provided only scanty amounts of food and water, and verbally abused evacuees. On 19 April, an additional 400 people evacuated from Madaya and Zabadani to Idlib governorate and 3,000 people evacuated from Kefraya and Foua to government-controlled Aleppo city.³⁷⁹

At the time of writing, the Ahrar al-Sham Islamic Movement and Hay'at Tahrir al-Sham continue to besiege Kefraya and Foua, where some 8,000 civilians and fighters continue to live, after the evacuation of fighters from Yarmouk faltered. On 7 September 2017, access to humanitarian aid was provided to Kefraya and Foua as well as Yarmouk.³⁸⁰

The displacement of civilians from Kefraya and Foua by armed opposition groups and the Syrian government amounts to forced displacement since there were no security or imperative military reasons for the operation, as required by international humanitarian law.³⁸¹

7.3.1 CAR BOMBING TARGETING THE CONVOY

On 15 April 2017, at around 10am, armed opposition groups allowed the civilians who were in the convoy of people being evacuated from Kefraya and Foua to step down from the buses in which they were travelling, after having spent 12 hours crammed into them, according to witnesses interviewed by Amnesty International. The buses travelling from Kefraya and Foua were parked one behind another and in three parallel rows. At around 3.30pm, a white van and a car drove past the buses and parked at the front of the convoy. Individuals inside the van began to hand out packets of potato crisps and, seeing this, the opposition group fighters encouraged children to go and collect them. The car next to the van then exploded, in what appears to have been a suicide bombing. Ambulances evacuated the injured to Bab al-Hawa hospital and other field hospitals in Idlib governorate. According to local health authorities, 125 people, including 67 children, were killed and 413 people were wounded.³⁸²

Dozens of families lost children or other relatives in the chaotic aftermath of the explosion. Amnesty International has documented the cases of nine children who went missing but whose names feature neither in the lists of those killed nor in the records of those treated in government or opposition hospitals.³⁸³ The names of children whose cases were documented by Amnesty International appear in a list of 42 names of missing individuals compiled by their families.³⁸⁴

Two close relatives of people missing since the explosion told Amnesty International they received evidence that suggests that their missing relatives were abducted by the armed group Hay'at Tahrir al-Sham in the aftermath of the bombing. Amnesty International could not independently verify these claims.

A mother who evacuated with her three daughters from Foua recounted to Amnesty International the horrific day when she lost two of her daughters in the aftermath of the suicide bombing. She said:

Two of my daughters went missing during the explosion and the third was injured in her leg. Fighters evacuated my injured daughter to Bab al-Hawa hospital but then they returned her. The other two, 10 and six years old, went missing and their whereabouts are unknown until today... The aftermath of the explosion was chaotic... Parents looking for their children... Before the bombing, we were held in the bus for days [two days in Kefraya and Foua waiting for the evacuation and one day in the transit areas]. We were only allowed to leave the overcrowded bus to go to the bathroom in the woods. They [armed

378 OHCHR, *Syria: Four Towns Evacuations*.

379 OHCHR, *Syria: Four Towns Evacuations*.

380 Al Manar, "Aid trucks enter Nusra-besieged Foua and Kefraya towns in Syria's Idlib", 7 September 2017, english.almanar.com.lb/344045; RT, "Humanitarian aid enter Yarmouk camps and towns of Foua and Kefraya in Syria", 8 September 2017, bit.ly/2f7DIUh

381 ICRC, *Customary IHL Study*, Rule 129. See also Rome Statute of the International Criminal Court, Article 8(2)(e)(viii) (characterizing unjustified forced displacement of civilians as a war crime).

382 OHCHR, *Syria: Four Towns Evacuations*.

383 The details are on file with Amnesty International, but have been withheld to protect the confidentiality and safety of the individuals involved.

384 The details are on file with Amnesty International, but have been withheld to protect the confidentiality and safety of the individuals involved.

groups] were surrounding us like ants. On the day of the attack, in the morning, all of a sudden they allowed us to leave the bus. Around 4pm, a van carrying potato crisps arrived. Of course, the children went crazy. They had been deprived of sweets and crisps for two years. The media came and the Syrian Red Crescent appeared as well. When the children gathered to get the crisps, the explosion happened. When the explosion happened, I was with my mother-in-law in the woods because she needed to use the bathroom. I ran to the area around the bus trying to find my children. I searched everywhere but couldn't find them. I saw pieces of flesh on the ground. I became more hysterical thinking that they could be from one of my daughters. I searched in the hospitals in Aleppo city and asked about them in the hospitals in Idleb but I couldn't find them.³⁸⁵

A former taxi driver who was evacuated from Kefraya lost his seven-year-old daughter, who was standing near the van at the time of the bombing. He told Amnesty International that he remembered a fighter calling the children to collect packets of potato crisps from the van parked next to the buses. He said:

They finally allowed us to leave the bus after spending days without being able to move. Around 4pm, a van carrying bags of potato crisps came. The fighter dumped like a thousand bags of potato crisps on the ground, which attracted the children. All the children ran towards the van and a few minutes later, the explosion happened. I also saw a blue Kia car parked next to the van, which might be the car that exploded. It took me a minute to recover from the blast. My wife next to me was injured by shrapnel in the head. I looked around for my four children. I found my son and then my daughter who was injured in the leg but couldn't find my other two daughters. They took us to Bab al-Hawa hospital. They told me at the hospital that my second daughter died from her injury and they gave me her body but I couldn't find my third daughter. I have no idea where my third daughter is. I looked for her in Aleppo and asked organisations but nobody knows where she is.³⁸⁶

A mother of four was evacuated from Foua with her husband. She told Amnesty International that she was in a bus with her son watching her three daughters, aged eight, 12 and 13, play outside when the bombing took place. She said:

It was around 3.30pm when the explosion happened. I went out to search for them [her daughters] but couldn't find them. The situation was chaotic. I saw injured children everywhere. I couldn't see well because of the panic. They were next to me in the bus but they disappeared all of a sudden. They couldn't have been injured because they were not close to the van distributing the bags of potato crisps. They must have been taken because all of the injured and the bodies of the killed were returned. It was a day from hell. It wasn't enough that we lost our homes and town but we had to lose our children.³⁸⁷

7.4 POST-EVACUATION

According to residents of Kefraya and Foua who were displaced to Damascus, Latakia governorate and Aleppo governorate, the Syrian government has provided them with some financial assistance to cover rent and other expenses. However, the amount has not been enough to cover all of their expenses and they have not been informed about the duration of the assistance. For these families, going back to Kefraya and Foua is not an option as long as armed opposition groups are in control of Idleb governorate. At the same time it has been challenging for many of these families to find employment.

A former taxi driver from Kefraya told Amnesty International:

It is true that we are all Syrians, but Damascus for my family and I is very different from my town [Kefraya]. There I worked as a taxi driver covering all of Idleb governorate, but now I need to buy a car and familiarise myself all over again with the city and its suburbs. I hope we can go back to our home and the land where I was born and raised.³⁸⁸

³⁸⁵ Phone interview, 2 August 2017.

³⁸⁶ Phone interview, 31 July 2017.

³⁸⁷ Interview in Lebanon, 6 September 2017.

³⁸⁸ Phone interview, 31 July 2017.

The situation is different for the people displaced from Madaya to Idlib governorate. The Syrian government has not provided them with any financial support. They have to cover their own rent and rely on local humanitarian organisations for food and other basic necessities, which have not been available in sufficient quantities due to the limited amount of aid reaching Idlib. The residents of Madaya interviewed by Amnesty International hope to return to their homes, but are wary of the government's promises of safety and security there.

8. APPLICABLE LAW

International humanitarian law is binding on all parties involved in the non-international armed conflict in Syria. This means it covers acts detailed in this report committed by the Syrian government as well as those committed by non-state armed groups. Furthermore, the Syrian government has legal obligations under international human rights law, which applies during times of peace and conflict. Individuals – both military personnel and civilians – can be held criminally responsible for crimes under international law. Violations of certain important rules of international humanitarian law are war crimes.³⁸⁹ As explained below, many of these rules were repeatedly violated during the sieges, bombardments and forced displacement described in this report. Certain acts, if directed against a civilian population as part of a widespread or systematic attack, and as part of a state or organisational policy, amount to crimes against humanity. Such acts include, among others, murder, extermination, enslavement, deportation or forcible transfer of population, imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law, torture, rape and other sexual crimes, and enforced disappearances.³⁹⁰ Some of the practices described in this report were carried out by government forces as part of a systematic attack on the civilian population and constitute crimes against humanity.

8.1 SIEGES AND HUMANITARIAN ACCESS

Syria is a party to a number of key treaties that are central to international human rights law, namely the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), and the Convention on the Rights of the Child, all directly relevant to the violations documented in this report. The findings in this report suggest that the government's imposition of sieges and restriction of humanitarian aid violated Syria's obligations under these treaties. They include failure to respect, protect, and fulfil the right to life, the right to liberty and security of person, and the right to freedom of movement.³⁹¹ The Syrian government also violated the rights to an adequate standard of living, including the right to food and housing; and the right to enjoy the highest attainable standard of physical and mental health.³⁹²

International humanitarian law includes rules and principles that protect those not participating in hostilities, namely civilians and fighters who have surrendered, been captured, or wounded (*hors de combat*). It sets out standards of humane conduct and limits the means and methods of conducting military operations. Its central purpose is to limit, to the extent feasible, human suffering in times of armed conflict.

Common Article 3 of the four 1949 Geneva Conventions,³⁹³ which applies to government forces and armed opposition groups, bans murder and cruel treatment and necessitates that the sick and injured “be collected and cared for”. The use of starvation of the civilian population as a method of warfare is prohibited, as is

389 ICRC, *Customary IHL Study*, Rule 156.

390 Rome Statute of the International Criminal Court, Article 7.

391 ICCPR, Articles 6, 9, 12.

392 ICESCR, Articles 11-12.

393 Syria is a state party to the four Geneva Conventions of 12 August 1949 and their Additional Protocol of 1977 relating to the Protection of Victims of International Armed Conflicts (Protocol I). Many of the rules in these conventions (including all those cited in this report) are part of customary international law and apply in non-international, as well as international, armed conflict, making them binding on all parties to the conflict in Syria.

attacking or destroying objects indispensable to the survival of the civilian population. The parties to the conflict must allow and facilitate rapid and unimpeded passage of impartial humanitarian assistance to civilians in need. They must allow civilians in besieged areas to leave and they must ensure the freedom of movement of authorised humanitarian relief personnel.³⁹⁴

Sieges such as those described in this report amount to collective punishment of the civilian population and are prohibited.³⁹⁵ Moreover, “collective punishment” and “starvation of civilians as a method of warfare” constitute war crimes.³⁹⁶

8.2 ATTACKS ON CIVILIANS AND CIVILIAN OBJECTS

International humanitarian law regulates the conduct of hostilities. A cardinal rule requires that “parties to the conflict must at all times distinguish between civilians and combatants. Attacks may only be directed against combatants. Attacks must not be directed against civilians.”³⁹⁷ Similarly, the parties must “distinguish between civilian objects and military objectives.”³⁹⁸ The fundamental principle of distinction also specifies that “acts or threats of violence the primary purpose of which is to spread terror among the civilian population are prohibited.”³⁹⁹

The corollary of the rule of distinction is that “indiscriminate attacks are prohibited.”⁴⁰⁰ Indiscriminate attacks are those that are of a nature to strike military objectives and civilians or civilian objects without distinction, either because the attack is not directed at a specific military objective, or because it employs a method or means of combat that cannot be directed at a specific military objective or has effects that cannot be limited as required by international humanitarian law.⁴⁰¹

Many of the attacks detailed in this report also violated rules on the special protection afforded to certain persons and objects. Medical personnel and medical transports must be respected and protected in all circumstances.⁴⁰² Humanitarian relief personnel and humanitarian relief objects must be respected and protected.⁴⁰³ And “special care must be taken in military operations to avoid damage to buildings dedicated to religion, art, science, education or charitable purposes and historic monuments unless they are military objectives.”⁴⁰⁴

The protection of the civilian population and civilian objects is further underpinned by the requirement that all parties to a conflict take precautions in attack. In the conduct of military operations, then, “constant care must be taken to spare the civilian population, civilians and civilian objects”; “all feasible precautions” must be taken to avoid and minimise incidental loss of civilian life, injury to civilians and damage to civilian objects.⁴⁰⁵ The parties must choose means and methods of warfare with a view to avoiding, and in any event to minimizing, incidental loss of civilian life, injury to civilians and damage to civilian objects.⁴⁰⁶ Everything feasible must be done to verify that targets are military objectives, to assess the proportionality of attacks, and to halt attacks if it becomes apparent they are wrongly directed or disproportionate.⁴⁰⁷ Where circumstances permit, parties must give effective advance warning of attacks which may affect the civilian population.⁴⁰⁸

Parties must choose appropriate means and methods of attack when military targets are located within residential areas. This requirement rules out the use of certain types of weapons and tactics. The use of

394 ICRC, *Customary IHL Study*, Rules 53-56.

395 ICRC, *Customary IHL Study*, Rule 103.

396 ICRC, *Customary IHL Study*, Rule 156, pp. 599-603.

397 ICRC, *Customary IHL Study*, Rule 1.

398 ICRC, *Customary IHL Study*, Rule 7.

399 ICRC, *Customary IHL Study*, Rule 2. See also Protocol I, Article 51(2) and Protocol II, Article 12(2).

400 ICRC, *Customary IHL Study*, Rule 11; Protocol I, Article 51(4).

401 ICRC, *Customary IHL Study*, Rule 12; Protocol I, Article 51(4)(a).

402 ICRC, *Customary IHL Study*, Rules 26 and 29.

403 ICRC, *Customary IHL Study*, Rules 31 and 32.

404 ICRC, *Customary IHL Study*, Rule 38.

405 ICRC, *Customary IHL Study*, Rule 15. See also Protocol II, Article 13(1).

406 ICRC, *Customary IHL Study*, Rule 17.

407 ICRC, *Customary IHL Study*, Rules 16-19.

408 ICRC, *Customary IHL Study*, Rule 20.

means of combat that cannot be directed at a specific military objective (such as using imprecise explosive weapons on targets located in densely populated civilian areas) may result in indiscriminate attacks and is prohibited. The use of mortars, artillery, barrel bombs and improvised rockets in populated civilian neighbourhoods – even if intended to target military objectives – violates this prohibition. Choosing methods of attack that do not minimise the risk to civilians (for example, attacking objectives at times when many civilians are most likely to be present) also violate international humanitarian law.

Warring parties have obligations to take precautions to protect civilians and civilian objects under their control against the effects of attacks by the adversary. As with precautions in attack, these rules are particularly important when fighting is taking place in areas with large numbers of civilians. Each party to the conflict must, to the extent feasible, avoid locating military objectives within or near densely populated areas.⁴⁰⁹

However, Article 50(3) of the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), states: “The presence within the civilian population of individuals who do not come within the definition of civilians does not deprive the population of its civilian character.” The fact that military checkpoints, bases or military equipment may be located within civilian areas does not in any way negate the obligation of government forces and armed groups with respect to civilians, including the principle of distinction, the prohibition on indiscriminate and disproportionate attacks, and the precautions previously mentioned.

Serious violations of international humanitarian law are war crimes. War crimes relevant to the violations documented in this report include: intentionally directing attacks against civilians not taking direct part in hostilities or against civilian objects;⁴¹⁰ and intentionally launching an indiscriminate attack resulting in death or injury to civilians, or a disproportionate attack (that is, knowing that the attack will cause excessive incidental civilian loss, injury or damage).⁴¹¹ Shelling and air strikes knowingly carried out on residential areas in which there are no fighters, soldiers, or military objectives constitute direct attacks on civilians and are war crimes.

8.3 DISPLACEMENT OF CIVILIANS

International human rights law does not spell out a prohibition against forced displacement per se, but it inherently provides guarantees against it in various human rights it encompasses. These include, though are not confined to, the right to liberty of movement and choice of residence,⁴¹² and the right to an adequate standard of living, including food and housing.⁴¹³

International humanitarian law explicitly prohibits parties to a non-international armed conflict like Syria’s from ordering the displacement of civilians unless it is for their own security or “imperative military reasons”.⁴¹⁴ Of particular relevance to all the case studies detailed in this report, as stated in the ICRC Study on Customary International Humanitarian Law, parties to the conflict have a duty “to prevent displacement caused by their own acts, at least those acts which are prohibited in and of themselves (e.g., terrorizing the civilian population or carrying out indiscriminate attacks).”⁴¹⁵ That relevant rule further cites the UN Guiding Principles on Internal Displacement⁴¹⁶ (Principle 5):

All authorities and international actors shall respect and ensure respect for their obligations under international law, including human rights and humanitarian law, in all circumstances, so as to prevent and avoid conditions that might lead to displacement of persons.

When displacement happens, “all possible measures must be taken in order that the civilians concerned are received under satisfactory conditions of shelter, hygiene, health, safety and nutrition and that members of

409 ICRC, *Customary IHL Study*, Rule 23. See also Protocol I, Article 58(b).

410 ICRC, *Customary IHL Study*, Rule 156, pp. 591,593,595-598. See also Rome Statute of the International Criminal Court, Articles 8(2)(b)(i) and (ii) and 8(2)(e)(i)(ii)(iv) and (xii). See also discussion in ICRC, *Customary IHL Study*, p. 27.

411 ICRC, *Customary IHL Study*, Rule 156, pp. 599-601.

412 ICCPR, Article 12.

413 ICESCR, Article 11.

414 ICRC, *Customary IHL Study*, Rule 129.

415 ICRC, *Customary IHL Study*, Rule 129, p. 461.

416 UN Doc. E/CN.4/1998/53/Add.2.

the same family are not separated.”⁴¹⁷ International humanitarian law also specifies that “displaced persons have a right to voluntary return in safety to their homes or places of habitual residence as soon as the reasons for their displacement cease to exist,” and that their “property rights... must be respected.”⁴¹⁸

The UN Guiding Principles on Internal Displacement contain numerous provisions that apply to the case studies in this report. They include a blanket protection to “[e]very human being” against arbitrary displacement (Principle 6(1)) and, as Principle 2(1) states, these principles “shall be observed by all authorities, groups, and persons irrespective of their legal status and applied without any adverse distinction.” Particularly relevant, too, is the principle that “Displacement shall not be carried out in a manner that violates the rights to life, dignity, liberty and security of those affected” (Principle 8). The final section of these guiding principles addresses the issues of “return, resettlement, and reintegration”. One particular principle to highlight in that section pertains to the responsibility of “competent authorities” to help the displaced “recover, to the extent possible, their property and possessions” and in cases where that is not possible, to “provide or assist these persons in obtaining appropriate compensation or another form of just reparation” (Principle 29(2)).

In non-international armed conflict, “[o]rdering the displacement of the civilian population for reasons related to the conflict, unless the security of the civilians involved or imperative military reasons so demand” is a war crime.⁴¹⁹

417 ICRC, *Customary IHL Study*, Rule 131.

418 ICRC, *Customary IHL Study*, Rules 132 and 133.

419 Rome Statute of the International Criminal Court, Article 8(2)(e)(viii).

9. CONCLUSION AND RECOMMENDATIONS

The displacement of civilians resulting from local “reconciliation” agreements documented in this report was not carried out for civilians’ security or imperative military necessity, meaning that it violated the prohibition on forced displacement. These “reconciliation” deals between the Syrian government and non-state armed groups were preceded by egregious human rights abuses and violations of international humanitarian law, including lengthy sieges and unlawful attacks on densely populated areas. This has been committed as part of a deliberate state policy to punish civilians deemed to be supportive of the armed opposition and to facilitate the recapture of areas under control of armed opposition groups by any means necessary.

The evidence presented in this report shows that the Syrian government systematically and deliberately subjected residents of Daraya, eastern Aleppo city, al-Waer and Madaya to lengthy sieges, blocking access to food and other basic necessities, restricting access to humanitarian and medical aid, and cutting off electricity and water supplies. This was done in conjunction with unlawful aerial and ground attacks, killing and injuring hundreds of civilians. Many of the practices carried out during these sieges and bombardments amount to war crimes and crimes against humanity.

Around 400,000 people continue to be besieged by government forces in other areas in Syria. They include Yarmouk, Eastern Ghouta, near Damascus, and the north of Homs governorate. The Syrian government has been restricting, and in some cases impeding, access to humanitarian and medical aid to thousands of civilians living in these areas.

While the scale of their deeds bears no comparison with that of the Syrian government’s actions, armed opposition groups have also been responsible for lengthy sieges. The Ahrar al-Sham Islamic Movement and Hay’at Tahrir al-Sham besieged the residents of Kefraya and Foua, restricting their access to humanitarian and medical aid. They also carried out unlawful attacks, using explosive weapons that should not be used in densely populated areas as they lack the ability to be aimed at a specific target. Some of these violations amounted to war crimes. At the time of writing, half of Kefraya and Foua’s population are still living under siege after their “evacuation” deal was put on hold.

The impact of the four “reconciliation” agreements continues to be keenly felt by those who have found themselves displaced in their aftermath. Thousands of civilians forcibly displaced by these deals are now living in dire humanitarian conditions, mostly in opposition-held areas in the north of Syria. They have limited access to humanitarian aid or opportunities for employment. Their prospects of return are currently bleak; the homes of many of them have been damaged or reduced to rubble, and they often have a genuine fear of reprisals against them by the Syrian government or armed opposition groups. Also, the infrastructure in Daraya and eastern Aleppo city has been obliterated by air strikes, making these areas largely uninhabitable.

In the past year and increasingly since April 2017, parts of the international community such as the European Union and Russia have expressed their wish to support efforts aimed at reconstruction in Syria. However, it is unclear what measures the Syrian government will take to ensure the safe and voluntary return of internally displaced persons and the reclamation of their properties.

After years of inaction and deadlock at the UN Security Council allowing perpetrators to violate its Resolutions 2139 and 2165, concrete measures must be taken to stop the parties to the conflict from continuing to commit violations in areas that are still under siege and to prevent future abuses. At the same

time, the creation of the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Those Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011 (International, Impartial and Independent Mechanism), which was established by the UN General Assembly in December 2016, provides renewed hope that crimes such as those documented in this report will be investigated and those responsible brought to justice.

To that effect, while reiterating its appeal to all parties to the conflict to comply, fully and immediately, with the provisions of UN Security Council Resolutions 2139 and 2165 related to respect for international humanitarian law and human rights, Amnesty International makes the recommendations below to the Syrian authorities and their international backers, to armed opposition groups, to the UN Security Council and to the broader international community.

TO THE SYRIAN AUTHORITIES

Amnesty International calls on the Syrian authorities to:

- Lift the sieges on Yarmouk, Eastern Ghouta, the north of Homs governorate and other civilian population areas in Syria;
- Allow unhindered humanitarian access to UN agencies and their implementing partners to deliver food, fuel, medicines and medical supplies to civilians in need across Syria, in particular to areas under siege by government forces;
- End direct attacks on civilians and civilian objects, such as hospitals, schools and residential homes;
- End all use of prohibited weapons, such as cluster munitions and chemical weapons;
- End indiscriminate and disproportionate attacks, including the use in populated areas of imprecise explosive weapons with wide area effect, such as artillery, mortars, unguided rockets and air-dropped bombs;
- Reveal the fate and whereabouts of individuals subjected to enforced disappearance, release all those arbitrarily detained, and allow independent monitors to visit all persons deprived of their liberty;
- Provide unhindered access to, and co-operate fully with, the UN-appointed Commission of Inquiry on Syria and the newly created International, Impartial and Independent Mechanism to investigate all alleged crimes under international law and violations of international human rights law and international humanitarian law;
- Grant non-governmental human rights organisations, including Amnesty International, access to Syria;
- If displacement is unavoidable for imperative military reasons or the security of civilians, provide the displaced with essential food and water, shelter and housing, appropriate clothing, and medical services; and ensure the displacement is for the shortest time possible;
- Respect the right of civilians to live where they wish and allow civilians who have been displaced to return to their homes safely, in dignity and voluntarily based on free, informed, individual choice;
- Ensure that the right of victims to full reparation is fully respected by implementing the UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Violations of International Human Rights and Humanitarian Law and the UN Principles on Housing and Property Restitution for Refugees and Displaced Persons (the Pinheiro Principles) and, in particular:
 - Ensure that voluntary repatriation and housing, land and property restitution programmes are carried out with adequate consultation with and participation of the affected persons, groups and communities;
 - Ensure that the rights of tenants and other legitimate occupants or users of housing, land and property are recognised within restitution programmes;
 - Respect and support the right of displaced persons to effectively pursue durable solutions to displacement other than return, if they so wish, without prejudicing their right to the restitution of their housing, land and property;

- Request, if necessary, from other states or international organisations the appropriate financial and/or technical assistance required to facilitate the effective voluntary return, in safety and dignity, of displaced persons;
- Establish a transparent and accessible process to assess and document the damage and destruction in towns, villages and cities affected by the violence and inform displaced residents of the access and damage status of their towns and villages, and of the procedures and criteria that will be used to allow residents to return there;
- Ensure that everyone who has been arbitrarily or unlawfully deprived of housing, land and/or property is able to submit a claim for restitution and/or compensation to an independent and impartial body without preconditions, to have a determination made and to receive notice of such a determination;
- Ensure that adequate legal aid is provided to those who require it when making a restitution claim;
- Provide reparation, including restitution and compensation, to all civilians whose homes or property was unlawfully destroyed, appropriated, or looted by security forces or by others acting with the consent or acquiescence of the forces controlling the areas;
- Ensure adequate financial, human and other resources are made available to facilitate restitution in a just and timely manner;
- Ensure that restitution procedures, institutions and mechanisms are age and gender sensitive, and recognise the equal rights of men and women, as well as the equal rights of boys and girls, and reflect the overarching principle of the “best interests of the child”;
- Establish state bodies, in co-operation with international agencies, to supervise and facilitate the implementation of the restitution and compensation process so that the right of all victims of the conflict to full reparation is guaranteed effectively.

TO ARMED OPPOSITION GROUPS

Amnesty International calls on the Ahrar al-Sham Islamic Movement, Hay’at Tahrir al-Sham and other relevant armed opposition groups to:

- Lift the siege on Kefraya and Foua and provide unhindered humanitarian access to UN agencies and their implementing partners to deliver food, fuel, medicines and medical supplies to civilians in need there and all other areas of Syria;
- End direct attacks on civilians and civilian objects, such as hospitals, schools and residential homes;
- End indiscriminate and disproportionate attacks, including the use in populated areas of imprecise explosive weapons with wide area effect, such as artillery, mortars, and unguided rockets;
- Co-operate fully with the UN-appointed Commission of Inquiry on Syria and the newly created International, Impartial and Independent Mechanism.

TO THE RUSSIAN AND IRANIAN GOVERNMENTS

Amnesty International calls on the Russian and Iranian governments to:

- Ensure that any agreement between parties to the conflict does not involve the forced displacement of civilians except when required for their own security or imperative military reasons;
- Pressure the Syrian government to lift the sieges on civilian populations and provide unhindered humanitarian access to UN agencies and their implementing partners to deliver food, fuel, medicines and medical supplies to civilians in need across Syria, in particular areas under siege;
- Ensure that the Syrian government allows displaced civilians to voluntarily and safely return to their homes.

TO THE UN SECURITY COUNCIL

Amnesty International reiterates its calls on the UN Security Council to:

- Refer the situation in Syria to the Prosecutor of the International Criminal Court;

- Demand unhindered access to Syria for the Commission of Inquiry on Syria, the International, Impartial and Independent Mechanism, and non-governmental human rights organisations;
- Impose targeted sanctions against those responsible for war crimes and crimes against humanity, in violation of UN Security Council Resolution 2139;
- Impose an arms embargo on the Syrian government.

TO THE INTERNATIONAL COMMUNITY

Amnesty International urges all states to:

- Publicly condemn the unlawful forced displacement of civilians that violate international humanitarian law;
- In the absence of a UN Security Council arms embargo, immediately impose a comprehensive national and (where possible) regional arms embargo on the Syrian government;
- Take effective measure to prevent the transfer of financial and material support to armed groups committing serious violations of human rights and international humanitarian law in Syria;
- Cease the authorisation of arms transfers to any end user who is likely to use the arms to commit or facilitate war crimes and other serious human rights abuses or violations of international humanitarian law; and prevent arms transfers in circumstances where they could be diverted and result in such crimes or violations;
- Urge the Syrian government to grant the Commission of Inquiry on Syria, the International, Impartial and Independent Mechanism, and non-governmental human rights organisations, including Amnesty International, access to Syria;
- Provide necessary resources and support for the International, Impartial and Independent Mechanism;
- Accept a shared responsibility to investigate and prosecute war crimes and other crimes under international law committed in Syria, in particular, seeking to exercise universal jurisdiction over these crimes before national courts in fair trials and without recourse to the death penalty;
- Ensure that international co-operation and assistance programmes for reconstruction and development actively promote, protect and are guided by relevant human rights obligations and standards including, but not limited to, the right to housing, land and property restitution, as well as the right to voluntary return in safety and dignity;
- Ensure that any financial assistance to the Syrian government to support the reconstruction of areas where civilians have been subjected to forced displacement does not contribute to or result in violations of international human rights or humanitarian law;
- Ensure that development assistance prioritises the most marginalised and disadvantaged whilst contributing to the realisation of minimum essential levels of economic, social and cultural rights for all those who need this support, respecting non-discrimination and advancing equality;
- Create and finance programmes aimed at ensuring justice and reparation for victims and their families, the effective participation of affected communities in national development plans, and the establishment of independent bodies that can ensure transparency and access to comprehensive information on the purpose, provenance, amount and terms of development assistance and how it is used, monitored and accounted for.

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'WE LEAVE OR WE DIE'

FORCED DISPLACEMENT UNDER SYRIA'S 'RECONCILIATION' AGREEMENTS

Four local agreements negotiated by the Syrian government and armed opposition groups in 2016 and 2017 have led to the mass displacement of civilians across the country. These agreements were presented by the Syrian government and its allies as steps towards “reconciliation”, but, in reality, they were preceded by a pattern of prolonged sieges and bombardment that killed and injured hundreds of civilians and compelled thousands to surrender and evacuate.

Amnesty International’s research shows how Syrian government forces systematically subjected civilians to unlawful sieges and conducted air and ground assaults on civilians and civilian objects in a pattern of violations that amounted to war crimes and crimes against humanity. It also shows how armed opposition groups committed war crimes by conducting their own unlawful sieges and indiscriminately shelling civilian areas.

Amnesty International has concluded that, in most instances, the mass displacement was not carried out for civilians’ security or an imperative military necessity and therefore also amounts to a war crime. As a result thousands of civilians are living precarious existences. As talk of reconstruction in Syria increases, they should be allowed to return to their homes and provided reparation for the violations they have suffered.