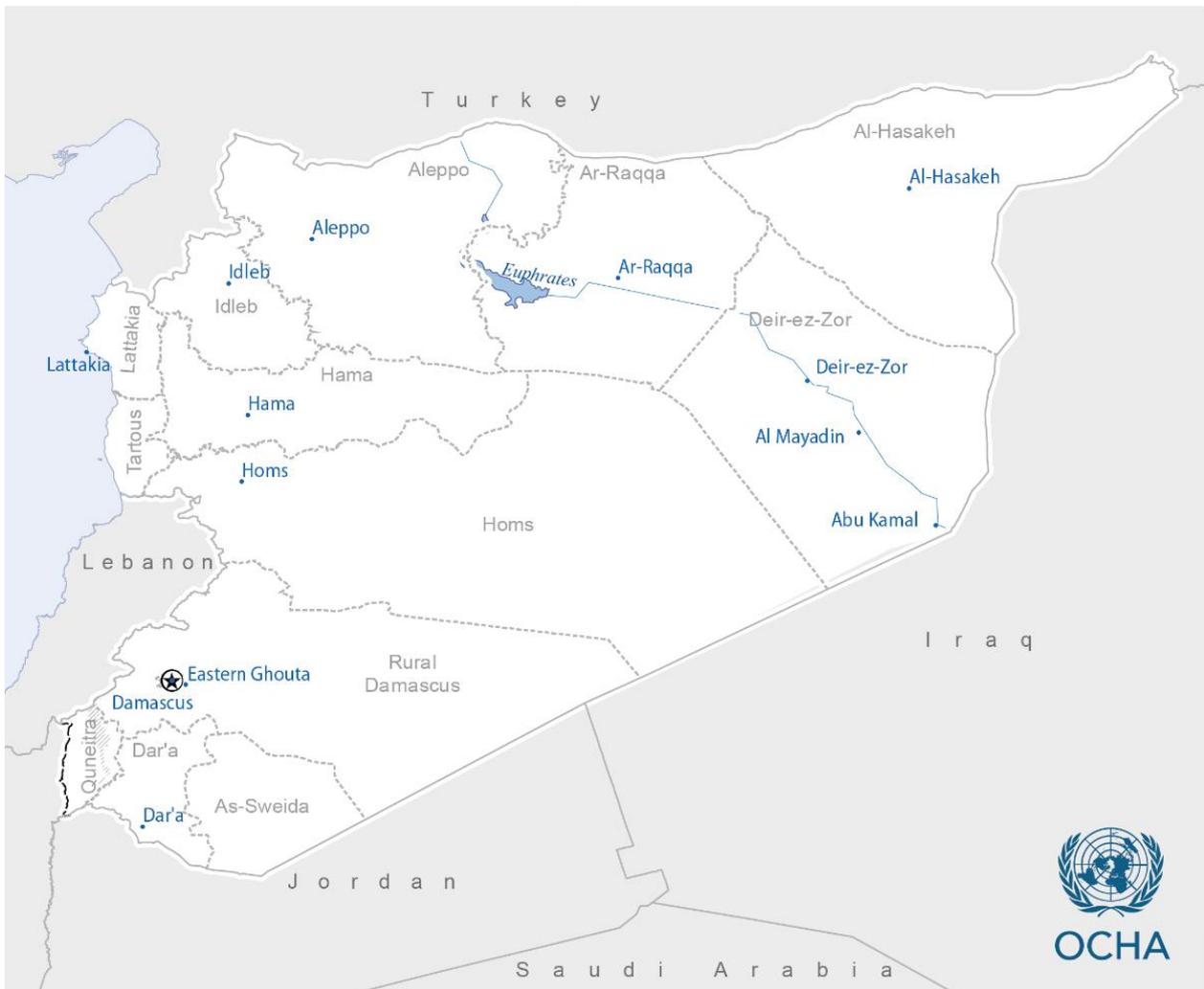


# MONTHLY HUMAN RIGHTS DIGEST

## SYRIA | October 2017

- The declaration of “de-escalation” areas in certain parts of Syria, along with the Government of Syria having taken control over the most populated cities in Syria, including those from which significant numbers of internally displaced persons (IDPs) and refugees originate, is one of the factors contributing to pressures in some quarters for return of refugees and IDPs despite overall conditions not being conducive for voluntary, safe, dignified and sustainable return.

Levels of violence throughout significant parts of Syria remain high, with ongoing reports of civilians being killed and injured as a result, as well as high levels of new displacement. Active fighting continues throughout Deir-ez-Zor and Ar-Raqqa governorates including in urban areas leading to large-scale displacements as well as the death and injury of civilians. Fighting also continues in the Eastern Ghouta area of Rural Damascus Governorate, while an uneasy truce is holding in Dar’a Governorate, and ongoing instability and infighting amongst armed opposition groups endures in Idleb Governorate. Attacks also continue in some cities firmly under the control of the Government of Syria, with suicide bombings and mortar fire still occurring in Damascus. While some displaced people inside and outside Syria have returned voluntarily, it remains unclear what mechanisms will be put in place by national or local authorities to ensure the safety and well-being of civilians, and/or to provide fair and appropriate systems for either the recovery of property and possessions, or provision of compensation.



This Monthly Human Rights Digest on Syria has been prepared by the Office of the United Nations High Commissioner for Human Rights based on information collected by the Office along with contributions from other agencies. It is intended to serve as an overview of some current and possible future human rights concerns in Syria, as well as provide humanitarians with a brief outline of relevant international human rights and humanitarian law provisions relating to the alleged violations. The Digest does not seek to highlight all human rights violations and abuses committed in Syria during the last month, nor list all documented cases of a particular type. Rather, OHCHR focuses every month on a few key areas which are of particular concern as the situation develops, based on data which has been analysed and cross-checked. Only information which is deemed credible is included. Separately, OHCHR provides input on past developments for the monthly report of the Secretary-General to the Security Council. OHCHR would like to thank OCHA for its support with the graphics and map compilation for the Digest.

## RETURNS

The situation in Syria has evolved dramatically in the last year. The Government of Syria, supported by its allies, has secured control over the most populated cities in the country. In December 2016, armed opposition groups were expelled from the eastern neighbourhoods of Aleppo. The final opposition-held area of Homs city came under Government control in May 2017. In Damascus, a string of ceasefire agreements has gradually led to what was a chain of opposition-held areas around the capital gradually coming under the Government's control.

In the east of the country, parallel offensives have shifted control over large areas of territory previously held by ISIL. US-backed Syrian Democratic Forces (SDF) fighters have expelled ISIL from Ar-Raqqa, while pro-Government forces<sup>1</sup> recently broke the three-year siege of Deir-ez-Zor, took the city of Al-Mayadin on 15 October and are rapidly advancing towards the last major ISIL-held city of Albo Kamal.

Following the sixth round of Astana talks held between 14 and 15 September, the "Guarantors" of the ceasefire areas (the Russian Federation, Republic of Turkey, and the Islamic Republic of Iran) announced the implementation of de-escalation areas in accordance with the May 2017 memorandum. These were declared to be in Eastern Ghouta; in certain parts in the north of Homs Governorate; in Idleb Governorate and certain parts of Latakia, Hama, and Aleppo governorates; and

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<sup>1</sup> "Pro-Government forces," unless otherwise specified, includes forces of the governments of the Syrian Arab Republic, the Russian Federation, and the Islamic Republic of Iran, as well as Hezbollah and other foreign and domestic allied militias fighting in support of the Government.

areas of southern Syria. Such areas, first announced in May 2017 have led to noticeable temporary reductions in levels of violence in certain parts of Syria.

### Returnees - Facts and Figures

On 30 June, a UNHCR spokesperson stated that aid agencies estimate more than 440,000 IDPs had returned to their homes in Syria during the first six months of the year.<sup>2</sup> As of October, UNHCR had monitored over 66,000 refugees returning from neighbouring countries since the beginning of 2017, with a total of over 275,000 having returned, primarily from Turkey into northern Syria since 2015.<sup>3</sup> The main factors influencing refugees' decisions to return on a self-organised basis to such areas as Aleppo, Hama, Homs, Damascus and other governorates were primarily related to seeking family members, checking property, and in some cases, a real or perceived improvement in security conditions in parts of the country. UNHCR added that while there was an overall increase in hope linked to the recent Astana and Geneva peace talks, conditions for refugees to return in safety and dignity were not yet in place in Syria. On 11 August, IOM meanwhile stated that of those who had returned home between January and July, 93 percent were IDPs.<sup>4</sup> It estimated that during this

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<sup>2</sup> [www.unhcr.org/news/briefing/2017/6/595612454/unhcr-seeing-significant-returns-internally-displaced-amid-syrias-continuing.html](http://www.unhcr.org/news/briefing/2017/6/595612454/unhcr-seeing-significant-returns-internally-displaced-amid-syrias-continuing.html).

<sup>3</sup> UNHCR's information and estimates related to refugee return movements are mainly captured through UNHCR's regular presence at official border crossing points, border monitoring in coordination with authorities and partners in host countries, online tools synchronised with UNHCR's database, and UNHCR surveys and individual interviews during continuous registration (e.g., when renewing a UNHCR certificate or updating personal records) and similar activities (home visits, assistance monitoring) in countries of asylum.

<sup>4</sup> [www.iom.int/news/over-600000-displaced-syrians-returned-home-first-7-months-2017](http://www.iom.int/news/over-600000-displaced-syrians-returned-home-first-7-months-2017).

same period, 808,661 people were displaced - many for the second or third time. Of those who had returned, approximately 10 percent were displaced again. IOM noted that IDP returns have mainly been spontaneous but they cannot be assessed within a durable solutions framework.

## Safety and Security

Armed clashes between pro-Government forces and armed opposition groups have lessened in some parts of Syria due to pro-Government forces taking control of heavily populated areas such as eastern Aleppo, Homs, and several areas in the suburbs of Damascus; various local ceasefire and evacuation agreements; as well as the implementation of the proclaimed de-escalation areas. However, this has not led to a reduction in overall levels of violence, nor has it translated into a reduction of civilian casualties, or human rights violations, being recorded throughout Syria.

Despite the announcement of its inclusion as a de-escalation area, the situation in Eastern Ghouta, Rural Damascus Governorate, for example, remains highly volatile, and civilians face daily shelling, military clashes, infighting amongst armed opposition groups and an ongoing siege imposed by pro-Government forces. This is despite the establishment of Russian military checkpoints and observation points in the vicinity to monitor the implementation of the ceasefire. Such measures have led to a reduction in airstrikes launched by pro-Government forces in some parts of Eastern Ghouta. Nevertheless, armed clashes continue between pro-Government forces and various armed groups, themselves in turn vying for control between each

other for control of key areas of Eastern Ghouta.

OHCHR has also received reports of armed opposition groups in Eastern Ghouta attempting to control the delivery of humanitarian assistance. On 11 October, a written statement by the “relief work coordination” team in Eastern Ghouta condemned a raid by members of Failaq Ar-Rahman on 8 October against the Hazzeh warehouse of the Binaa relief and humanitarian organisation in which all humanitarian organisation's general manager and three other staff members detained. In an apparent response, the following day, Failaq Ar-Rahman published a written statement claiming that Binaa was selling its supply of fuel and food items at inflated prices, and was taking advantage of the worsened humanitarian situation. The group called on all NGOs to register their humanitarian and food item supplies, and stated that Failaq Ar-Rahman would ensure that the confiscated supplies would be distributed to the people in need.

The humanitarian situation in Eastern Ghouta has also substantially deteriorated since pro-Government forces took over and destroyed the majority of the tunnels previously used by the armed opposition groups to smuggle both military and civilian items into the area.

At the same time, while they no longer retain the ability to pose a serious threat to the capital, most areas of Damascus remain within range of armed opposition group rocket and mortar fire, posing a serious risk to civilians. On 15 October, mortars hit central Damascus and reportedly killed two civilians in the old city. Similarly, Aleppo city remains within the range of rocket and mortar fire from the

opposition-controlled area of Ar-Rashideen. Suicide attacks against military and religious sites also still occur. On 2 and 11 September, suicide bombers blew themselves up in two separate police stations both located in central Damascus.

Following the inclusion of Idleb Governorate in the tripartite statement at Astana, Turkish President announced on 7 October the launch of a military operation - part of the proclaimed de-escalation agreement - in which armed opposition group fighters would advance inside Idleb supported by Turkish forces with the aim of dislodging Hay'at Tahrir Al-Sham ongoing. Fighting between Hay'at Tahrir Al-Sham and other groups has impacted the already severely weakened security situation in Idleb. IOM estimated that approximately 2 million individuals, including over 900,000 internally displaced persons, are currently located in the Governorate.<sup>5</sup>

On the ISIL front in eastern Syria, civilians continue to be displaced in huge numbers along with ongoing reports of civilians being used as human shields and large numbers of civilians being killed by both airstrikes and ground-based strikes. According to OCHA's September 2017 dashboard for northeast Syria, 484,000 people were displaced in Ar-Raqqa and Deir-ez-Zor Governorates.<sup>6</sup>

Fighting has resulted in large-scale displacement in Deir-ez-Zor Governorate, with IOM reporting that 94,337 individuals were displaced due to the counter-ISIL offensive in the Governorate between 1

and 8 October.<sup>7</sup>

## Service Delivery

Many areas face an ongoing lack of basic services such as reliable electricity and clean water. Further, numerous schools and hospitals and other key infrastructure have been rendered inoperable. UNICEF has noted that one in three schools in Syria is damaged, destroyed or serves as a shelter.<sup>8</sup> The MRM for Syria verified 26 attacks on education and a further 36 attacks on medical facilities and personnel.<sup>9</sup>

Given the intensity and longevity of the conflict, many civilians are also suffering from physical and psychological distress and trauma, which makes the need for access to adequate medical and social services all the more pressing. The lack of appropriate services, coupled with the disruption of traditional family and community networks as well as growing levels of poverty, increases these vulnerabilities and can result in resorting to harmful coping mechanisms including taking children out of school, a significant occurrence of child marriages - particularly of adolescent girls - and the increased use of child labour.

The lack and loss of civil documentation has also compounded protection risks and existing vulnerabilities. According to the 2018 Protection Needs Overview, two key reasons for the lack of up

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<sup>5</sup> NPM, *Governorate Profile: Idleb, October 2017*.

<sup>6</sup> OCHA, *North East Syria Dashboard, September 2017*.

<sup>7</sup> NPM Flash Update, *Displacement in Deir-ez-Zor Governorate, Update # 4, 9 October 2017*.

<sup>8</sup> [www.unicef.org/appeals/syria.html](http://www.unicef.org/appeals/syria.html).

<sup>9</sup> [www.humanitarianresponse.info/system/files/documents/files/2017\\_syria\\_pmr\\_170830.pdf](http://www.humanitarianresponse.info/system/files/documents/files/2017_syria_pmr_170830.pdf).

to date documentation include a fear of approaching the authorities, or the absence of Government of Syria services in their area. The effect of a lack of documentation are listed as being the restriction of freedom of movement, inability to register births/marriages/deaths, inability to register land, the inability to claim property rights, inability to access basic services, and the inability to access humanitarian assistance. People were also reported as having been arrested for not having documentation.<sup>10</sup>

## Other Protection Concerns

The Government of Syria has issued a number of statements calling on displaced persons to return home and pledging that all their needs would be met. However, on 11 September, Syrian state TV broadcast a statement by a high profile military commander, made in Deir-ez-Zor in which he stated that “to those who left Syria, I advise you not to come back because while the State may forgive you, we will not forget nor forgive”. While a disclaimer was issued the following day, such inflammatory statements may incite resentment by those who either fought, or lived through the hardships of the conflict against those perceived to have failed to either undertake their military duty or shared in the hardships of war.

Concerns remain about the use of the Counter-Terrorism Law and the Counter-Terrorism Court by the Government of Syria to try civilians accused of having undertaken “terrorist acts” or promoted

such acts. What constitutes a “terrorist act” is loosely defined in the law, and Syrian authorities have used this law to detain civilians for a wide range of reasons - from publicly criticising the Government, to having alleged links to opposition movements or groups. Some detained civilians are tried by field military courts, while others are not brought to a court and often no further information is provided as to their whereabouts. OHCHR has expressed in the past serious concern about the denial of fair trial rights of such individuals, as well as regarding conditions of detention under which they are often held, which includes the infliction of cruel, inhuman or degrading treatment, and torture. Reports of deaths in detention as a result of torture have also been received. Given the wide range of persons with multiple profiles believed to have been detained for terrorism-related reasons, it is not possible to determine which class of person is particularly at risk of being targeted.

The legislative framework has been further complicated since outbreak of the conflict in 2011 by the promulgation of tens of laws, decrees, and administrative acts relating to the already complex housing, land and property system, such as those creating complementary journals and legalising scanned copies of land transactions. Additional challenges such as secondary occupation, lost or damaged HLP documentation, and the aforementioned lack of civil documentation further complicate the situation for those seeking to return to their properties.

Reports of reprisals being carried out by pro-Government militias have also been received - most notably after the take-over of eastern areas of

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<sup>10</sup> *Protection Needs Overview, National Overview V1, 12 October 2017.*

Aleppo in December 2016 in which at least 82 civilians (including 11 women and 13 children) were reportedly killed on 12 December. The Government of Syria has become increasingly reliant on such groups to supplement losses sustained by its regular forces. Numerous checkpoints and neighbourhoods throughout Government-held areas continue to be controlled by such groups, who are often involved in the lucrative war economy including controlling aid delivery and extortion. It is unclear how much control Syrian armed forces' general command is able or willing to assert over such groups.

OHCHR also continues to receive reports of the Government of Syria conscripting males into the armed forces and detaining those who have failed to respond to the call for enlistment - one of the major reasons voiced by male refugees for not wanting to return to Syria. While it is generally accepted that States are entitled to require their citizens to perform military obligations and that citizens have a duty to do so, reports that the armed forces of the Government of Syria have violated international humanitarian law in the conduct of hostilities including by launching indiscriminate attacks and denying items essential for the survival of the civilian population must be taken into consideration.

Some areas in Syria remain particularly volatile, including those held by non-state actors where lines of control are most likely to shift and thus such areas are not conducive to return.

Finally, the ongoing conflict in Syria has resulted in a country littered with landmines, improvised explosive devices, and explosive remnants of war,

putting civilians at risk and impeding badly-needed humanitarian aid. UNMAS has estimated that 6.3 million people - including two million children - currently live in contaminated areas.<sup>11</sup>

## Human Rights Obligations *vis-à-vis* Returnees

Self-organised returns, largely of IDPs, are occurring primarily in areas where the level of hostilities has declined. While the Government of Syria has increasingly taken control over the most populated cities in Syria, levels of violence and threats to civilians throughout the country remain high.

The Government of Syria bears the primary responsibility to ensure, uphold, and protect the human rights of all its citizens and to create conditions conducive for return. Syria is a party to seven of the core human rights treaties: the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of Persons with Disabilities, and the Convention on the Rights of the Child.

Syria's international human rights obligations therefore include the obligation to uphold people's

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<sup>11</sup> <http://www.mineaction.org/programmes/syria>.

right to liberty and security of person, including ensuring that they are free from any threats such as acts of reprisals or arbitrary arrests or detentions. Citizens should be further afforded the protection of law against any such threats. Such obligations also include that of liberty of movement and freedom to choose one's residence.

Syria is also obliged to take appropriate steps to ensure that all those returning enjoy an adequate standard of living and an enjoyment of the highest attainable standard of physical and mental health for themselves and their family. Such measures should include ensuring both the right to health and the right to education. All such services must be provided without discrimination and be made available to all, regardless of their gender, religion, ethnic background or political affiliations.

The competent authorities from the Syrian Government should also uphold the right of returnees to adequate housing and therefore assist those who have returned to recover, to the extent possible, their property and possessions. Should the recovery not be possible, the Government must provide such persons with an effective remedy, including through providing or assisting such persons in obtaining appropriate compensation or another form of just reparation.

## Looking Forward

The current situation on the ground in Syria indicates that returnees would be unable at present to enjoy the full range of their human rights. In regions outside the Government's control, the likely temporary nature of the non-state actors' control of

the area excludes the guaranteed safety of persons returning to such areas due to as yet unknown variables and the likelihood of ongoing military and political upheavals.

Despite statements pledging to meet the needs of returnees, in many areas under Government control, the authorities are at best currently unable to provide basic public services essential for civilians' well-being. Water and electricity have been severely affected and in some places remain absent. Key infrastructure such as schools and hospitals have been destroyed. The recovery of property and possessions is often hampered by the loss of civil documentation or property titles as well as the severely weakened state of key institutions such as courts, notaries, and public record offices. Informal dispute resolution mechanisms are also believed in many places to have been severely affected as communities have been torn apart by displacement. The provision of compensation or other appropriate reparation is unlikely while state resources are being heavily invested in the armed conflict.

All such issues will need to be addressed as part of meeting protection thresholds for any future facilitation of voluntary return in safety and dignity, in conformity with international standards. Such issues should be addressed in a legal framework ensuring protection of returnees.

*For more information on the topics raised or for any further information concerning the human rights situation in Syria, please contact Matthias Behnke, OHCHR Syria Coordinator, at [mbehnke@ohchr.org](mailto:mbehnke@ohchr.org).*