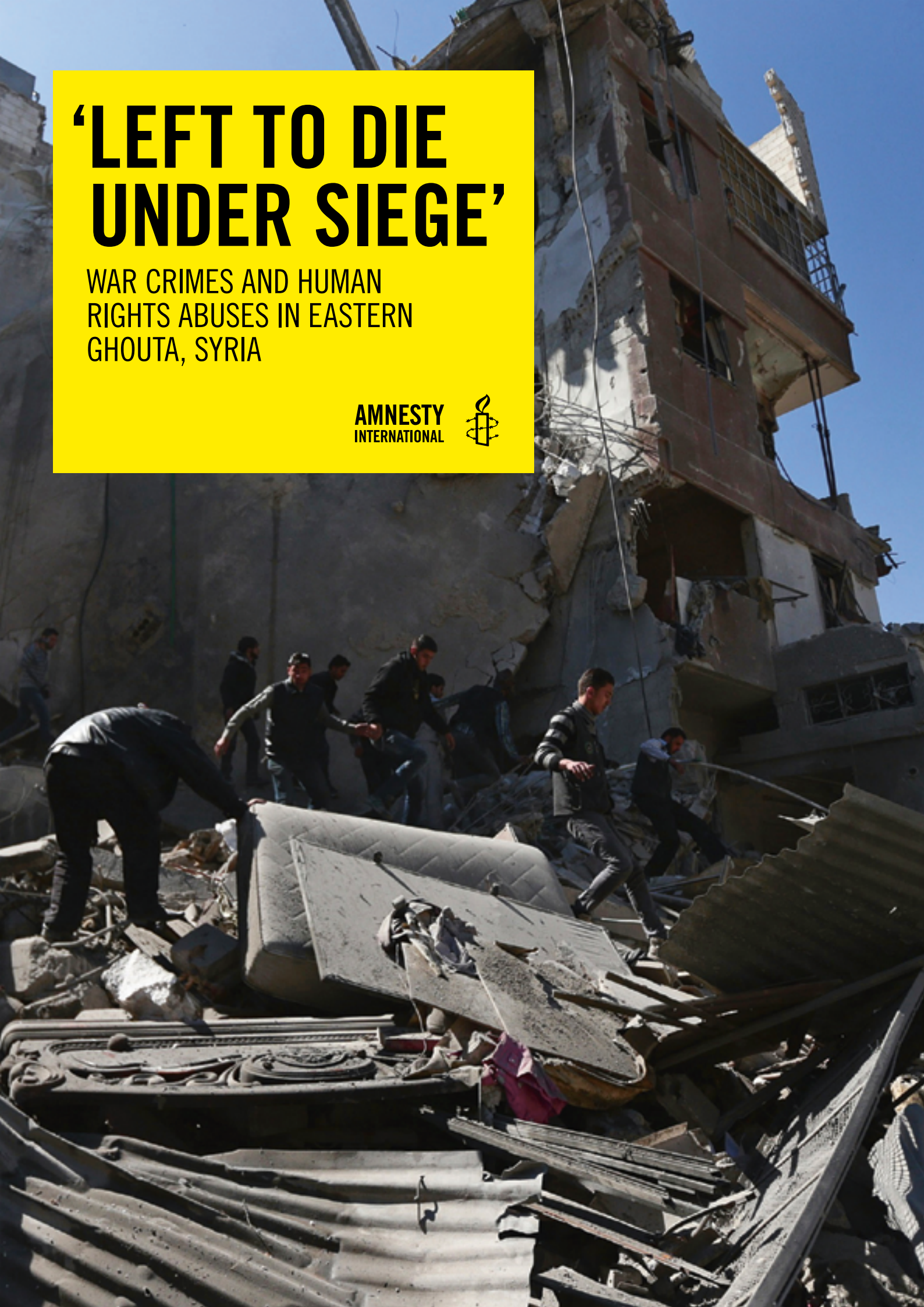


'LEFT TO DIE UNDER SIEGE'

WAR CRIMES AND HUMAN
RIGHTS ABUSES IN EASTERN
GHOUTA, SYRIA

AMNESTY
INTERNATIONAL



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**AMNESTY
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Cover photo: Residents search through rubble for survivors in Douma, Eastern Ghouta, near Damascus. Activists said the damage was the result of an air strike by forces loyal to President Bashar al-Assad. 14 March 2015.

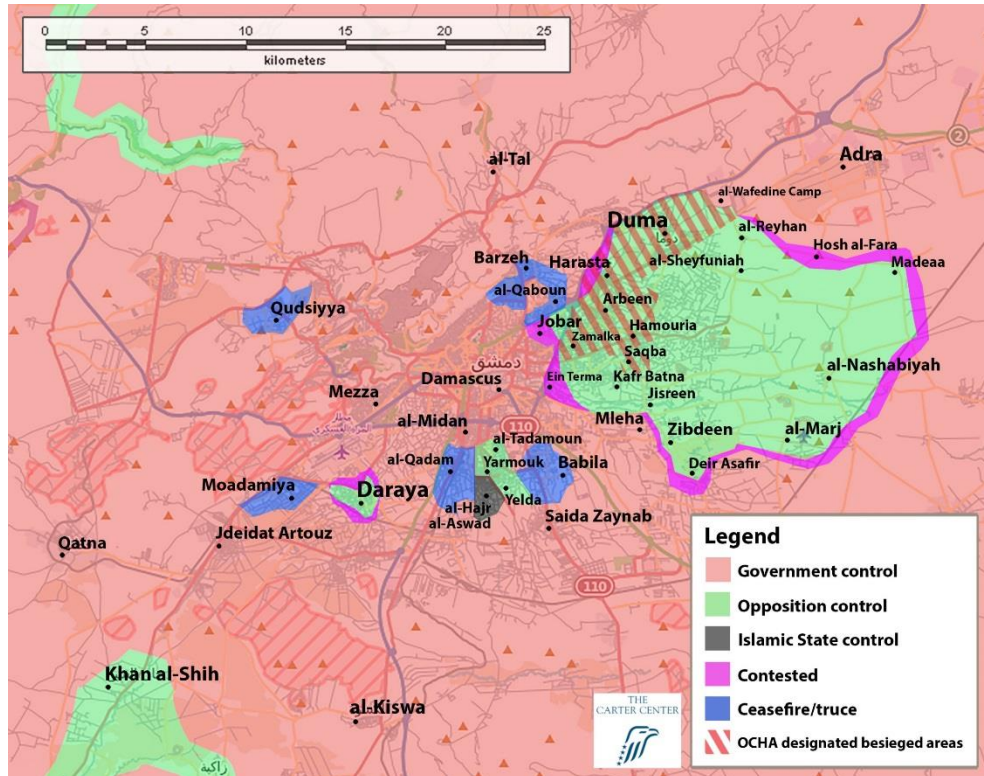
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Areas of control of armed opposition groups in Damascus suburbs as of 28 June 2015. The Carter Center uses Palantir Gotham as an analytical platform. © Carter Center

EXECUTIVE SUMMARY

Nearly half a million civilians live in areas under siege across Syria four years after mass popular protests against the government sparked a bitter, ongoing armed conflict that has seen war crimes, crimes against humanity and human rights abuses committed on an epic scale.

The prolonged sieges enforced by the Syrian government and non-state armed groups have cut civilians off from food, basic necessities, and life-saving assistance, in violation of international humanitarian law and human rights law. The hundreds of thousands of civilians living under siege who struggle to survive amidst this deprivation also have to contend with daily, often indiscriminate, aerial strikes and shelling.

Conditions for the 163,500 people living under siege in Eastern Ghouta, an agricultural and industrial area 13km north-east of Damascus, are particularly acute. According to the UN Office for the Coordination of Humanitarian Affairs (OCHA), parts of Eastern Ghouta have been under siege by Syrian government forces since 2013. The government had, however, begun restricting the movement of civilians, confiscating food and arbitrarily depriving civilians from electricity and water since late 2012. Non-state armed groups operating in the area have also contributed to the worsening humanitarian situation for civilians there, including by inflating the price of food and other basic necessities and arbitrarily restricting the movement of civilians trying to leave Eastern Ghouta. Amnesty International has been conducting research on the humanitarian situation in Eastern Ghouta since late 2012.

A glimmer of hope emerged for Syrians, in particular those living under siege, when the UN Security Council adopted, over a year ago, Resolutions 2139 and 2165 demanding that all parties to the conflict, and in particular the Syrian authorities, end all attacks against civilians, lift all sieges, provide unfettered cross-line and cross-border humanitarian aid access and release all arbitrarily detained people. Despite these unequivocal demands, however, well over a year after the resolutions were passed, the parties to the conflict continue to violate them, and international law, with impunity.

The Syrian government has been carrying out aerial and shelling attacks on civilians and civilian objects in Eastern Ghouta since 2012. This report documents Syrian government attacks against civilians and civilian objects in Eastern Ghouta between January and June 2015 and the conduct of non-state armed groups operating in the area. Amnesty International conducted 32 interviews with current and former residents of Eastern Ghouta, as well as with three doctors, five local aid workers and two humanitarian organizations based there. The interviews were conducted either in person or by Skype, phone or email, between April and June 2015. In addition, Amnesty International reviewed hundreds of photos and videos that corroborated witness accounts.

According to the Violations Documentation Center in Syria (VDC), a local monitoring group, aerial and shelling attacks killed at least 462 civilians and 16 fighters in Eastern Ghouta between January and June 2015. For this report, Amnesty International investigated 13 attacks that killed in total 231 civilians and three fighters. Eyewitness testimony and expert analysis of weapons' remnants in videos and pictures indicate that in the majority of the

attacks the Syrian government used fighter jets to drop unguided bombs and locally produced explosives on civilians and civilian objects, weapons that are too imprecise to target military objectives that may be present in heavily populated civilian areas such as Eastern Ghouta. Witness testimony and photos and videos from strike sites indicate that in 10 of the 13 attacks there was no legitimate military objective struck or present at or in the vicinity of the strike site. Whether the strikes directly attacked civilians or were indiscriminate in nature, they were serious violations of international law. Directing attacks at civilians not directly participating in hostilities or at civilian objects and carrying out indiscriminate attacks that kill or injure civilians are serious violations of international humanitarian law and constitute war crimes.

In the three incidents that Amnesty International investigated in which fighters were among those killed, it should have been evident to the attacking forces that the anticipated military advantage would be outweighed by the harm to civilians and damage to civilian objects that the attack caused. Such disproportionate attacks are prohibited by international humanitarian law and are war crimes.

Amnesty International's research findings also provide damning evidence that the Syrian government is systematically subjecting civilians in Eastern Ghouta to an unlawful siege which restricts civilians, the wounded and sick from being able to leave the area and restricts the delivery of humanitarian and medical assistance and goods needed for survival, as well as striking medics, aid workers and facilities in indiscriminate attacks. The evidence indicates that non-state armed groups in Eastern Ghouta, and in particular the Army of Islam (Jaysh al-Islam), are also responsible for inflating the price of food and other basic necessities there, arbitrarily restricting the movement of civilians wishing to leave, and abducting and arbitrarily detaining people. These groups have also indiscriminately shelled civilians living in neighbouring and nearby government held territory and committed other war crimes. Residents and aid workers in Eastern Ghouta told Amnesty International that the Syrian government had restricted access to humanitarian aid, food, medicine, gas, water, electricity and other basic necessities by arbitrary detention, sniper attacks and shelling. According to the Syrian American Medical Society, 208 civilians died from the lack of food or access to medical care in Eastern Ghouta from 21 October 2012 to 31 January 2015.

Under international humanitarian law, parties to a conflict must not deliberately restrict the delivery of humanitarian assistance to civilians in need but rather are obliged to facilitate rapid and unimpeded aid deliveries. Starvation of civilians as a method of warfare is a war crime. The siege of Eastern Ghouta and the unlawful killing of its besieged civilians, including in direct and indiscriminate attacks, is part of a widespread and systematic attack by government forces against the civilian population. As such, state forces are responsible for carrying out crimes against humanity in Eastern Ghouta.

Amnesty International has also documented violations committed by non-state armed groups in Eastern Ghouta. Residents and aid workers told Amnesty International that non-state armed groups in Eastern Ghouta were restricting access to food and basic goods by selling goods and life-saving necessities for inflated prices. Two residents also provided Amnesty International with information regarding arbitrary arrests and abductions by non-state armed groups in Eastern Ghouta of local activists and seven residents and five aid workers said that the Army of Islam in particular was arbitrarily restricting civilians from leaving Eastern

Ghouta. One resident told Amnesty International:

"I wish I could leave. My family and I have no food, water or electricity. The food aid from local organizations does not last more than a week or two. But even if I managed to bribe the Syrian authorities, the Army of Islam will never allow me to leave. People who tried to request permission from the Army of Islam to allow them to leave were arrested as a result."

Amnesty International has also reviewed videos published by YouTube accounts affiliated with non-state armed groups in Eastern Ghouta that show these groups shelling government-held territory concentrated with civilians neighbouring or near to Eastern Ghouta, including with improvised mortars and rocket propelled grenades (RPGs). The Army of Islam has publicly stated in the media that some of the attacks have been carried out in retaliation for Syrian government attacks.

The Syrian government and other parties to the conflict have failed to meet the demands of UN Security Council Resolutions 2139 and 2165; they have maintained unlawful sieges, restricted humanitarian assistance deliveries, deliberately attacked civilians, and carried out indiscriminate and disproportionate attacks, arbitrary detentions, abductions and enforced disappearances. Amnesty International calls on the UN Security Council, in particular Russia and China, to uphold its commitment to take further steps to enforce the resolutions including by imposing targeted sanctions against those responsible for war crimes and crimes against humanity, imposing an arms embargo on the Syrian government, and by referring the situation in Syria to the Prosecutor of the International Criminal Court.

METHODOLOGY

This report is based on research that Amnesty International conducted from April to June 2015. This research had to be undertaken outside Syria – the Syrian government has not allowed Amnesty International investigators to access areas of Syria that it controls since anti-government protests broke out in March 2011, and passage to Eastern Ghouta is not otherwise possible.

In researching this report, therefore, Amnesty International conducted interviews by telephone and Skype, and communicated by email, with a range of individuals and organizations who remain under siege in Eastern Ghouta, including doctors and medical volunteers, video and photo journalists, and local community activists and aid workers. In addition, Amnesty International conducted in person and telephone interviews with former residents of Eastern Ghouta who are now refugees in Lebanon. In all, Amnesty International interviewed 32 current and former residents of Eastern Ghouta, three doctors, five aid workers and two local organizations for this report. Some had directly witnessed air strikes and other attacks on civilian areas by Syrian government forces and the destruction, deaths and injuries to civilians they caused. Others had helped to document the destruction, assist survivors or identify and list the dead. All of those interviewed spoke to Amnesty International under conditions of strict confidentiality due to their concern that their public identification could expose them and their families to serious risk, so interviewees' real names do not appear in this report.

The report also draws on information made available to Amnesty International by organizations within Eastern Ghouta that continue to monitor the conflict and its impact; these include the VDC, the Syrian Network for Human Rights (SNHR), the Unified Medical Office in Eastern Ghouta, and Assus. These groups also assisted Amnesty International in locating and contacting witnesses, victims and others with relevant information. Operating often under very difficult conditions, these groups continue to play a vital role in documenting attacks and counting and identifying the resulting casualties; but for their efforts, with Eastern Ghouta now a “no-go” area for the international media due to the siege by government forces and the threat to the individual security of journalists posed by the armed groups within it, the world would know little of the crimes that are being committed and the suffering caused to the civilians who remain there.

In compiling this report, Amnesty International also examined satellite imagery and photo and video material provided by local activists and witnesses, crosschecking them with witness accounts, media and other reports, and consulted independent weapons experts in identifying munitions used against civilians and civilian objects in Eastern Ghouta.

Amnesty International also reviewed statements issued by the Syrian government, statements by third governments, reports of the Independent International Commission of Inquiry on the Syrian Arab Republic established by the Human Rights Council in August 2011, information published by the UN Office for the Coordination of Humanitarian Affairs (OCHA) and other UN agencies, as well as reports published by international NGOs and local monitoring groups, media articles and posts on social media.

In July 2015, Amnesty International submitted a summary of its preliminary findings to both the Syrian government, the opposition Syrian National Coalition and the Army of Islam and sought their comments and clarification regarding incidents described in the report that appear to amount to war crimes or other serious violations of international humanitarian law or of human rights law. As of this writing, however, Amnesty International had received no response from the Syrian government, the Syrian National Coalition or the Army of Islam.

Amnesty International expresses its deep gratitude to the current and former residents of Eastern Ghouta and organizations within the besieged area who contributed information for this report.

BACKGROUND

Peaceful protests against the Syrian government first broke out in the city of Douma, the administrative centre of Eastern Ghouta, on 25 March 2011, then spread to other centres, including nearby Harasta, Kafr Batna and Ayn Terma. The government responded by using force against protesters and in September 2011, an armed group, the Abu Obeida Bin Jarah brigade, one of the first opposition Free Syrian Army brigades, was established in Eastern Ghouta, ostensibly to protect the protesters from Syrian government forces.¹ Two months later, the Abu Obeida Bin Jarah brigade announced that it was launching an offensive against Syrian government forces based in Eastern Ghouta at Ayn Terma, Hamouria, Harasta, Douma and Adra, and over the next few months the situation in the area developed into an armed conflict that is still ongoing.² By early 2013, much of Eastern Ghouta, including main population centres such as Douma, Arbeen and Marj al-Sultan, had fallen under the de facto control of an array of some 16 different armed groups opposed to the Syrian government.³ In April 2013, according to the state-run Syrian Arab News Agency (SANA), the Syrian army mounted an offensive against the armed groups and tightened the restrictions on civilians of Eastern Ghouta that it had begun the previous year.⁴

Fighting between the armed groups within Eastern Ghouta and Syrian government forces surrounding the area has seen each side take the offensive at different times, and capture

¹ See the post by Damascus Suburb Now on Facebook:

<https://www.facebook.com/DamasCountrySide.Now/posts/612114118874999> (accessed on 21 June 2015).

² FnnSyria, "Announcement released by the Free Syrian Army about the latest developments of Abo Obeida Bin al-Jarah Brigade in Eastern Ghouta and Damascus 27 12 2011", posted on 26 December 2011, https://www.youtube.com/watch?v=9qbn_hWCnag (accessed on 21 June 2015).

³ The groups included: Islam Brigade, the Douma Martyrs Brigade, the Ghouta Lions Brigade, the East Ghouta Revolutionaries Brigade, the Lions of God Brigade, the Tawhid al-Islam Brigade, the Farouq Brigade, the Shabab al-Hoda Brigade, the Seif al-Omawi Battalions, the Military Police Battalion, the Regime Protection Battalion, the al-Ishara Battalion, Syria Martyrs Brigades, Suqour al-Sham Brigades, Ahrar al-Sham and al-Fastat al-Muslimeen Battalion. For more information about the groups, see: Aron Lund, "Freedom fighters? Cannibals? The truth about Syria's rebels", *The Independent*, 17 June 2013, <http://www.independent.co.uk/news/world/middle-east/freedom-fighters-cannibals-the-truth-about-syrias-rebels-8662618.html> (accessed on 22 June 2015); Aron Lund, "A Dispute in Douma", 24 October 2013, Carnegie Endowment for International Peace, <http://carnegieendowment.org/syriaincrisis?fa=53432> (accessed on 22 June 2015); Human Rights Watch, *He Didn't Have to Die*, 23 March 2015, <http://www.hrw.org/reports/2015/03/23/he-didn-t-have-die-0> (accessed on 21 June 2015).

⁴ Agence France Presse (AFP), "15 killed in shelling near Damascus", 7 April 2013, in NOW, <https://now.mmedia.me/lb/en/newsyrialatestnews/15-killed-in-shelling-near-damascus> (accessed on 20 June 2015).

and lose territory to the other. For example, after the al-Nusra Front and other armed groups jointly formed the Jund al-Malahem (Soldiers of Battles) "operation room" in July 2013 to co-ordinate their attacks,⁵ in October 2013 the "operation room" successfully seized control of the important Tameco pharmaceutical and rubber factory in Mleha.⁶ Government forces then retook Mleha and the industrial town of Adra in August and September 2014 respectively after major offensives against the armed groups holding them. In May 2015, government forces also regained control of the town of Maydaa, thereby severing a main supply route used by some of the armed groups within Eastern Ghouta.⁷ Currently, there are an estimated 9,000 fighters in Eastern Ghouta and the Army of Islam, led by Mohammad Zahran Alloush, a former political prisoner, is the dominant military force in the area.⁸ In July 2014, the Army of Islam announced that it had annexed the last stronghold of the armed group that calls itself the Islamic State (formerly known as ISIS) in Madi'a.⁹ In August 2014, the Army of Islam formed the "Unified Military Command in Eastern Ghouta" with four other armed groups after government forces recaptured Mleha.¹⁰ The following month, other armed groups within Eastern Ghouta formed two other coalitions,

⁵ Jund al-Malahem "operation room" joined the Greater Damascus "operation room" in November 2013. For more information see, Ahrar al-Sham, "Damascus: formation of Jund al-Malahem operation room", 27 July 2013, <http://ahraralsham.net/?p=2061> (accessed on 21 June 2015); Jund al-Malahem, "Jund al-Malahem: Securing Tamiko compound by mujahidine Jund al-Malahem", 22 October 2013, <https://www.youtube.com/watch?v=IBD-IFzZ8bw> (accessed on 22 June 2015); Aron Lund, "The Greater Damascus Operations Room-Part 1", 18 November 2013, Carnegie Endowment for International Peace, <http://carnegieendowment.org/syriaincrisis/?fa=53566> (accessed on 22 June 2015); Najem Salem, "Factions of Damascus and Damascus countryside announce the formation of greater Damascus operation room", 11 June 2013, <http://www.all4syria.info/Archive/109545> (accessed on 20 June 2015).

⁶ Abo Tarek, "Al-Islam army and Jund al-Malahem fighters in Tamiko compound", 21 October 2013, <https://www.youtube.com/watch?v=jD2mPwwTBcw> (accessed on 20 June 2015).

⁷ *The Daily Star*, "Syrian regime forces storm Ghouta", 4 May 2015, <http://www.dailystar.com.lb/News/Middle-East/2015/May-04/296690-syrian-regime-forces-storm-ghouta.ashx> (accessed on 20 June 2015).

⁸ Nehad Ismail, "Who is Fighting whom in Syria?", Defence Viewpoints, 10 April 2015, <http://www.defenceviewpoints.co.uk/articles-and-analysis/who-is-fighting-whom-in-syria> (accessed on 10 July 2015).

⁹ Orient News, "Islam Army expels "Daesh" from the last strongholds in Eastern Ghouta", 4 July 2014, http://www.orient-news.net/?page=news_show&id=79693 (accessed on 21 June 2015).

¹⁰ In November 2013, Ajnad al-Sham Islamic Union established the Islamic Union of the Soldiers of the Levant. The union included: the al-Habib Mustafa Brigades, the Amjad al-Islam Gathering, the Shabab al-Houda Battalions, the Sahaba Brigades and Battalions and the Deir Asimah Brigade. The leaders of Ajnad al-Sham Islamic Union claimed that the union managed a total of 53 sub-factions in Damascus including Eastern Ghouta. For more information see: Aron Lund, "The Ajnad al-Sham Islamic Union", 4 March 2014, <http://carnegieendowment.org/syriaincrisis/?fa=54750> (accessed on 21 June 2015); Samah al-Youssef, "Eastern Ghouta assembles under a unified leadership", 28 August 2014, <http://goo.gl/e61AOD> (accessed on 22 June 2015).

the Army of the Nation (Jaysh al-Ouma) and the Omar Legion, both based in Douma.¹¹ Rivalry between the different armed groups and coalitions sparked sporadic clashes, abductions and killings in Eastern Ghouta and resulted in the Army of Islam, the most prominent and well-funded of the armed groups, gaining ascendancy. Ahmad Tah, leader of the Army of the Nation, survived two assassination attempts in Douma before he and his deputy were abducted by the Army of Islam in January 2015, following which some 200 Army of the Nation fighters surrendered to the Army of Islam and the armed groups comprising the Omar Legion joined forces with it.¹²

Amnesty International and other human rights organizations, along with the Independent International Commission of Inquiry on the Syrian Arab Republic (Commission of Inquiry), established by the UN Human Rights Council, have documented grave human rights abuses and violations of international humanitarian law committed by non-state armed groups in Eastern Ghouta. These include summary killings, abductions, and indiscriminate attacks on neighbouring or nearby government-held territory.

In its report of August 2014, the Commission of Inquiry concluded that in Eastern Ghouta both the Army of Islam and the al-Nusra Front have committed war crimes, notably for killing civilians or combatants belonging to government forces who were *hors de combat* in December 2013 in the Adra area.¹³ In February 2015, the Commission of Inquiry also reported that the Army of Islam and the al-Nusra Front were responsible for the abduction of hundreds of civilians in Arda al-Omalie in September 2014.¹⁴

¹¹ *Al-Quds Al-Arabi*, "The formation of "Omar Legion" from 10 brigades in Eastern Ghouta in Damascus Suburbs", 18 September 2014, <http://www.alquds.co.uk/?p=222961> (accessed on 21 June 2015); Khadija al-Rahali, "Omar brigade of the Free Syrian Army denies his affiliation with "Daesh" and assures that the organization has sleeping cells in Eastern Ghouta", 24 December 2014, <http://www.alaan.tv/news/world-news/120937/omar-legion-free-syria-army-denies-isis-connections-confirms-sleeping-cells-existing-ghouta> (accessed in 20 June 2015).

¹² Islam Memo, "The Leader of "Ouma Army" and his deputy in the custody of "Islam Army" in Eastern Ghouta", 6 January 2015, <http://islammemo.cc/akhbar/syria-althawra/2015/01/06/225060.html> (accessed on 22 June 2015); Syrian Network for Human Rights, "A blast targets the car of al-Ouma Army, leads to the death of his son", 19 October 2014, <http://www.syriahr.com/en/2014/09/5130/>, <http://www.syriahr.com/en/2014/10/a-blast-targets-the-car-of-al-omma-army-leads-to-the-death-of-his-son/> (accessed on 21 June 2015); Syrian Free Army, "Omar Brigade officially join the Army of Islam, What awaits Eastern Ghouta?", 30 April 2014, <http://www.syrianfreearmy.net/showthread.php?t=9366> (accessed on 21 June 2015).

¹³ Commission of Inquiry, *Report of the independent international commission of inquiry on the Syrian Arab Republic*, 13 August 2014, http://www.ohchr.org/Documents/HRBodies/HRCouncil/ColSyria/A.HRC.27.60_Eng.pdf (accessed on 22 June 2015).

¹⁴ Commission of Inquiry, *Report of the independent international commission of inquiry on the Syrian Arab Republic*, 5 February 2015, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G15/019/37/PDF/G1501937.pdf?OpenElement> (accessed on 22 June 2015).

Amnesty International and other human rights organizations have also repeatedly called for the armed groups operating in Eastern Ghouta to release four human rights defenders, Razan Zeitouneh, Wael Hamada, Samira Khalil, and Nazem Hammadi, who were abducted by armed men on 9 December 2013 from the VDC office in Douma, an area then controlled by the Army of Islam.¹⁵

Amnesty International has also reviewed videos published by YouTube accounts affiliated with non-state armed groups in Eastern Ghouta that show these groups shelling government-held territory concentrated with civilians neighbouring or near to Eastern Ghouta including with improvised mortars and RPGs. Human Rights Watch has also accused forces of the Jund al-Malahem "operation room" of indiscriminately shelling areas controlled by the Syrian government such as Jaramana and central Damascus in 2013 and 2014.¹⁶

Amnesty International and others have also previously documented serious violations of international human rights and humanitarian law by Syrian government forces in Eastern Ghouta amounting to war crimes and crimes against humanity.

In April 2011, Syrian government forces used excessive force against peaceful gatherings demonstrating against the authorities.¹⁷ In January 2012, Syrian government forces raided civilian homes and arbitrarily arrested hundreds of protesters and humanitarian workers, many of whom were subjected to enforced disappearance and whose fate or whereabouts remain unknown.¹⁸ In August 2012, Syrian government helicopters and warplanes began aerial attacks against civilians and civilian areas using inherently indiscriminate weapons such as cluster bomb munitions.¹⁹ The Syrian government gradually tightened the restrictions

¹⁵ Amnesty International, *Abducted human rights lawyer Razan Zeitouneh and her three colleagues must be released unharmed* (Index: MDE 24/060/2013), 11 December 2013, <https://www.amnesty.org/en/documents/document/?indexNumber=MDE24%2F060%2F2013&language=en> (accessed on 23 June 2015).

¹⁶ Human Rights Watch, *He Didn't Have to Die*, 23 March 2015, <http://www.hrw.org/reports/2015/03/23/he-didn-t-have-die-0> (accessed 21 June 2015).

¹⁷ ShaamNetwork S.N.N., "Douma: live shooting on protesters", 8 April 2011, https://www.youtube.com/watch?v=ugut9f_-2ao (accessed on 16 July 2015).

¹⁸ Al Jazeera, "Escalating violence at the outskirts of Damascus", 31 January 2012, <http://www.aljazeera.net/news/arabic/2012/1/31/%D9%85%D8%B9%D8%A7%D8%B1%D9%83-%D9%85%D8%AA%D8%B5%D8%A7%D8%B9%D8%AF%D8%A9-%D8%B9%D9%84%D9%89-%D9%85%D8%B4%D8%A7%D8%B1%D9%81-%D8%AF%D9%85%D8%B4%D9%82>; (accessed on 16 July 2015); Violations Documentation Center in Syria (VDC), "The Medical Situation in Eastern Ghouta-Damascus Suburbs", November 2013, <http://www.vdc-sy.info/pdf/reports/1383565710-English.pdf> (accessed on 24 June 2015).

¹⁹ Human Rights Watch, *Syria: Evidence Shows Cluster Bombs Killed Children*, 27 November 2012, <http://www.hrw.org/news/2012/11/27/syria-evidence-shows-cluster-bombs-killed-children-0> (accessed on 22 June 2015).

on civilians in Eastern Ghouta cutting electricity and water supplies by the end of 2012.²⁰ In mid-2013, Syrian government forces began preventing civilians from entering or leaving Eastern Ghouta and restricting access to humanitarian aid supplies.²¹ On 21 August 2013, a sarin chemical attack on Eastern and Western Ghouta killed hundreds of people, extending an already long list of human rights violations alleged to have been carried out by government forces.²² The Syrian government denied responsibility for the attack but evidence indicated that government forces were the likely perpetrators.²³ In December 2014, the UN reported that 9,000 people were allowed to leave Ghouta to shelters in Damascus.²⁴ The siege, aerial attacks and shelling of civilians and civilian objects have continued into 2015. As of June 2015, civilians in Eastern Ghouta continue to be surrounded by government forces from the north, west, south and east.

The chemical weapons attack in August 2013 had a devastating toll on people living in Eastern Ghouta. As a result, on 27 September 2013, the UN Security Council adopted Resolution 2118, which called on the Syrian government to destroy its chemical weapons stockpiles.²⁵

In light of continuing violations of international human rights and humanitarian law, however, and in particular unlawful restrictions on the delivery of humanitarian assistance, persistent indiscriminate attacks, and arbitrary detentions, abductions, enforced disappearances and torture and other ill-treatment, the UN Security Council unanimously adopted Resolution 2139 on 22 February 2014. The resolution explicitly demanded that all parties to the conflict immediately cease all attacks against civilians, including the indiscriminate use of

²⁰ All4Syria, "Eastern Ghouta: closed prison and genocide", 18 November 2014, <http://www.all4syria.info/Archive/179570> (accessed on 15 July 2015); Firas Suqi, "Syria's bucket children desperate for aid", Al Jazeera, 10 November 2014, <http://www.aljazeera.com/news/middleeast/2014/11/syria-bucket-children-desperate-aid-2014119114455557565.html> (accessed on 16 July 2015).

²¹ Solava Jabour, "Ghouta Damascus.. 100 days under siege", Al Jazeera, 12 January 2014, <http://www.aljazeera.net/news/reportsandinterviews/2014/1/12/%D8%BA%D9%88%D8%B7%D8%A9-%D8%AF%D9%85%D8%B4%D9%82-%D8%A7%D9%84%D8%B4%D8%B1%D9%82%D9%8A%D8%A9-%D9%85%D8%A7%D8%A6%D8%A9-%D9%8A%D9%88%D9%85-%D9%85%D9%86-%D8%A7%D9%84%D8%AD%D8%B5%D8%A7%D8%B1> (accessed on 10 July 2015).

²² Human Rights Watch, *He Didn't Have to Die*, 23 March 2015, <http://www.hrw.org/reports/2015/03/23/he-didn-t-have-die-0> (accessed on 21 June 2015).

²³ Human Rights Watch, *Attacks on Ghouta*, 10 September 2013, <http://www.hrw.org/reports/2013/09/10/attacks-ghouta-0> (accessed on 22 June 2015).

²⁴ UN Security Council, *Implementation of Security Council resolutions 2139 (2104), 2165 (2014), and 2191 (2014)*, 19 February 2015, <http://reliefweb.int/sites/reliefweb.int/files/resources/N1504603.pdf> (accessed on 20 June 2015).

²⁵ UN Security Council, Resolution 2139, 22 February 2014, [http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2139\(2014\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2139(2014)) (accessed on 22 June 2015).

weapons in populated areas, release all arbitrarily held detainees, and lift sieges on civilian centres and allow unfettered access for humanitarian aid.²⁶ However, the Syrian government and non-state armed groups failed to meet the demands of the resolution. Consequently, the UN Security Council unanimously adopted Resolution 2165 in July 2014, which authorized the delivery of aid across the border and conflict lines by the UN and its implementing partners without prior consent from the Syrian government.²⁷ In December 2014, the UN Security Council adopted Resolution 2191, which renewed Resolution 2165.²⁸ Despite this action, the Syrian government has persisted in maintaining a siege on Eastern Ghouta. The Council has failed to take further action on the issue of humanitarian access, or on those of arbitrary detention and direct attacks against civilians and indiscriminate attacks, despite the parties' persistent non-compliance with Resolution 2139.

According to Valerie Amos, then UN Under-Secretary for Humanitarian Affairs and Emergency Relief Coordinator, OCHA submitted 16 requests for interagency convoys to enter Eastern Ghouta in 2014, of which 12 were not permitted by the Syrian government for unspecified reasons.²⁹ In the initial stages of the siege, the Syrian government confiscated and looted humanitarian aid supplies at checkpoints at the entrance of Douma and did not permit the delivery of medical supplies for fear that supplies might be used to treat fighters.³⁰ According to OCHA, on 24 May 2014, an interagency aid convoy was not able to distribute supplies to hundreds of families in Eastern Ghouta due to an attack on a humanitarian warehouse in Douma killing several people and wounding one Syrian Arab Red Crescent (SARC) volunteer.³¹ It is unclear who carried out the attack. On 6 May, a SARC

²⁶ UN Security Council, Resolution 2165, 14 July 2014, <http://unscr.com/en/resolutions/2165> (accessed on 20 June 2015).

²⁷ UN Security Council, Resolution 2165, 14 July 2014. The delivery of humanitarian aid across borders in Syria was renewed with UN Security Council Resolution 2191, 17 December 2014. <http://www.un.org/press/en/2014/sc11708.doc.htm> (accessed on 20 June 2015).

²⁸ UN Security Council, Resolution 2165, 14 July 2014. The delivery of humanitarian aid across borders in Syria was renewed with UN Security Council Resolution 2191, 17 December 2014. <http://www.un.org/press/en/2014/sc11708.doc.htm> (accessed on 20 June 2015).

²⁹ UN OCHA, *Security Council Briefing on Syria*, 26 February 2015, <http://reliefweb.int/report/syrian-arab-republic/assistant-secretary-general-humanitarian-affairs-and-deputy-emergency> (accessed on 20 June 2015); UN OCHA, *Security Council Briefing on Syria*, 28 January 2015, <http://reliefweb.int/report/syrian-arab-republic/under-secretary-general-humanitarian-affairs-and-emergency-relief-16> (accessible on 20 June 2015).

³⁰ Office for the High Commissioner for Human Rights, *Living under Siege*, February 2104, <http://www.ohchr.org/Documents/Countries/SY/LivingUnderSiege.pdf> (accessed on 20 June 2015); EA Joanna Paraszczuk, "Syria Spotlight: Aid Agencies Face Difficulties Getting Food To Vulnerable Communities", EA WorldView, 9 October 2013, <http://eaworldview.com/2013/10/syria-spotlight-aid-agencies-face-difficulties-getting-food-vulnerable-communities> (accessed on 20 June 2015).

³¹ UN OCHA, *Security Council Briefing on Syria*, 25 May 2014, <http://reliefweb.int/report/syrian-arab-republic/under-secretary-general-humanitarian-affairs-and-emergency-relief-8> (accessed on 20 June 2015).

convoy was hit by a mortar following the distribution of aid, killing one volunteer and injuring three others.³²

The UN Secretary General's June 2015 monthly report on the implementation of Resolutions 2139, 2165 and 2191 clearly states that all parties to the conflict in Syria have failed to implement the demands of the UN Security Council and that the Council members have failed to address grave human rights violations in Syria.

³² UN Security Council, *Implementation of Security Council resolutions 2139 (2014) and 2165 (2014)*, 22 May 2015, <http://reliefweb.int/sites/reliefweb.int/files/resources/N1514671.pdf> (accessed on 20 June 2015).

ATTACKS ON CIVILIANS AND CIVILIAN OBJECTS AND THE USE OF EXPLOSIVE WEAPONS IN POPULATED AREAS

“We remove the rubble by hands because the use of bulldozers is dangerous. Sometimes I hear children, women and men shouting under the rubble. When the shouting for rescue stops, it means we have failed.”

Member of the Civil Defence in Eastern Ghouta

In February 2014, in a rare show of unity, the UN Security Council unanimously adopted Resolution 2139 demanding that all parties to the conflict in Syria immediately cease all attacks on civilians and civilian objects such as hospitals, and the indiscriminate use of weapons in populated areas. In the resolution, the Security Council also reminded the parties to the conflict of their obligation under international humanitarian law to ensure the protection of civilians not participating in hostilities. The Resolution, without specifying sanctions for non-compliance, warned that non-compliance could lead the Council to take “further steps”.

More than a year has passed since the adoption of Resolution 2139. Despite overwhelming evidence of the Syrian government’s persistent indiscriminate use of weapons in populated areas, as well as of direct attacks on civilians and civilian objects, the Council has yet to take any steps to enforce the resolution.

GOVERNMENT AIR STRIKES ON EASTERN GHOUTA

Syrian government air strikes have repeatedly targeted various Damascus suburbs since January 2012, killing and injuring many civilians as well as members of armed groups fighting against the government. According to the Violations Documentation Center in Syria (VDC), an independent NGO established in April 2011 to monitor human rights violations in Syria, Syrian government air strikes killed 2,826 civilians in Damascus suburbs between 14 January 2012 and 28 June 2015.³³ Of these, according to the VDC, more than half – 1,740 civilians – were killed in Eastern Ghouta. In the same period, according to the VDC, Syrian

³³ See the VDC’s website for list of casualties: <http://www.vdc-sy.info/index.php/en/martyrs/1/c29ydGJ5PWEua2lsbGVkX2RhdGV8c29ydGRpcj1ERVNDfGFwcHJvdmVkpXZpc2libGV8ZXh0cmFkaXNwbGF5PTB8c3RhdHVzPTF8cHJvdmJlY2U9Mnxjb2RNdWx0aT0xM3xzdGFydERhdGU9MjAxMi0wMS0wMXxlbmREYXRiPTlwMTUtMDYtMjh8> (accessed on 20 July 2015).

government air strikes killed 63 anti-government fighters in Eastern Ghouta, indicating the indiscriminate and disproportionate nature of government air attacks on the area. According to the Syrian Network for Human Rights (SNHR), a United Kingdom-based independent NGO formed in 2011 to monitor abuses in Syria, by 26 June 2015, attacks by Syrian government forces had killed 1,100 civilians in Eastern Ghouta in the 16 months since the passage of Resolution 2139.³⁴

According to activists, doctors and others within Eastern Ghouta, including eyewitnesses, beginning in 2013 government fighter jets attacked locations within Eastern Ghouta using bombs dropped by parachute that exploded in the air before hitting the ground or buildings or other structures at which they appeared to have been aimed. The parachute bombs, residents said, did not fall as quickly as other bombs, so allowed those beneath them a few moments to find shelter, but it was impossible to know precisely where they would hit. They said that government forces used these parachute-dropped bombs to attack public market places, hospitals, schools and residential buildings, causing many civilian casualties.

Amnesty International reviewed three videos that were posted on-line, apparently by local residents, in the first half of 2013 in which Syrian air force jets are seen to drop bombs by parachute on Hamouria, Douma and Jobar in Eastern Ghouta.³⁵ Weapon experts whom Amnesty International consulted identified the munitions as Russian-made ODAB-500PM fuel-air bombs; these are unguided bombs that contain around 200kg of high explosive fuel that activates and explodes when the bomb is still a few metres away from impact, projecting an aerosol cloud that destroys everything within a 25 metre radius while also killing and injuring people outside this immediate radius.

³⁴ Email correspondence with the Syrian Network for Human Rights, 24 July 2015.

³⁵ Sada Althaura, "Important: Asadi parachute rockets fall on Hamouria", posted on 20 February 2013, <https://www.youtube.com/watch?v=iQQpLK8Mooc> (accessed on 28 June 2015); Sada Althaura, "Douma: Death and destructive rockets land in parachutes", posted on 1 May 2013, <https://www.youtube.com/watch?v=o8HPNdvRbOO> (accessed on 28 June 2015); Syrian Army.T, "Damascus Suburbs: Rocket in the ranks of parachutes for the first time watch closely as it targets terrorists in Jobar", posted on 1 September 2014, https://www.youtube.com/watch?v=btL_LXQbca8 (accessed on 28 June 2015).



Remnants of a bomb that fell near the Taha mosque on 5 February 2015; the munition used appears from the remnants to have been either a BETAB-500SHP aerial bomb or an ODAB-500PM fuel-air bomb.

Amnesty International also reviewed two images that local activists provided that show remnants of a bomb dropped by a Syrian air force jet that attacked Douma on 5 February 2015, including the tail section of the bomb with part of its parachute still attached. Weapons experts identified the bomb as a munition developed in the former Soviet Union, most likely either a BETAB-500SHP aerial bomb containing around 350kg of high explosives that was designed primarily as a weapon to penetrate and smash concrete and hardened shelters or bunkers, or an ODAB-500PM fuel-air bomb. Attaching a parachute slows the descent of the bomb, as witnesses reported. Syrian government forces are reported to have used both of these types of aerial munitions in Aleppo and other areas.³⁶

Since October 2012, Syrian government air strikes have destroyed or damaged at least 10 hospitals or other medical facilities in Eastern Ghouta, killing at least 20 doctors and other medical workers and destroying vital medical equipment and supplies, according to local monitoring groups and Physicians for Human Rights.³⁷ Three doctors based in Eastern Ghouta told Amnesty International that medical workers had moved field hospitals to underground locations because of the dangers posed by government air strikes although this

³⁶ Brown Moses blog, "Evidence of large unguided Blast Bombs reported from Syria", 1 November 2012, http://board-temporary.blogspot.co.uk/2012_11_01_archive.html (accessed on 29 June 2015).

³⁷ Email correspondence with doctor from the Unified Medical office in Eastern Ghouta, 29 May 2015; VDC, "The Medical Situation in Eastern Ghouta-Damascus Suburbs", November 2013, <http://www.vdc-sy.info/pdf/reports/1383565710-English.pdf> (accessed on 24 June 2015); email correspondence with a staff member of Physicians for Human Rights, 16 June 2015.

meant working in difficult conditions, without fans, heaters or air conditioners as the limited power available from electricity generators was needed for other purposes. Wissam, a doctor at a hospital in Douma, told Amnesty International, "We can cope with the lack of air, and bad working conditions but the injured are suffering as well from the humidity, lack of sun and fresh air, which affects their blood pressure, wounds and mental state."³⁸

Government planes have also attacked schools, including in both Douma and Deir Asafir, local residents told Amnesty International. A teacher in Douma said that repeated aerial strikes on schools led the local council to order a change to school hours in February 2015.³⁹ It considered it "better that schools start very early in the day before the air strikes begin," giving parents the option of sending their children to school either from 6am to 9am or from 9am to noon.⁴⁰

Syrian government forces carried out at least 60 aerial attacks on Eastern Ghouta from January to June 2015, killing at least 560 civilians, according to the Syrian Network for Human Rights (SNHR).⁴¹ These include the 11 separate air strikes on the population centres of Douma, Kafr Batna, Hamouria, Harasta and Deir Asafir described below in witness accounts obtained by Amnesty International from interviews with local residents, aid and medical workers, and others. According to these sources, the air strikes damaged or destroyed residential and other civilian buildings, including two mosques, a hospital and three schools, and caused the deaths of at least 183 civilians. Only three fighters were reportedly killed in these strikes.

Local activists and residents told Amnesty International that the armed groups inside Eastern Ghouta relocated their bases, offices, weaponry and military vehicles in mid-2014 to agricultural lands at the periphery of the towns and cities after local residents complained that their presence was exposing civilians to attack by government forces and due to fears that local informers were assisting Syrian government forces' targeting of military bases.⁴² Local activists also told Amnesty International that informers were assisting Syrian government forces' targeting of field hospitals, mosques and schools. In addition, the armed groups maintained several detention facilities in residential areas, residents said, although none of these was hit by the air strikes documented in this report.

Eyewitness testimony and expert analysis of weapons and remnants shown in videos and pictures indicate that in the majority of the attacks the Syrian government used fighter jets to drop unguided bombs on civilians and civilian objects. Weapon experts whom Amnesty

³⁸ Skype interview, 11 June 2015.

³⁹ Skype interview, 6 May 2015.

⁴⁰ Skype interview, 6 May 2015.

⁴¹ Email correspondence with the Syrian Network for Human Rights, 22 and 24 July 2015.

⁴² Local monitors and contacts told Amnesty International that the lack of fighters, weapons, bases and checkpoints explains the high number of civilian casualties in comparison to the number of fighters recorded among the fatalities.

International consulted said that the weapons used are unable to adequately distinguish between military objectives and civilians when used in heavily populated civilian areas like Eastern Ghouta.

Repeated use of such imprecise means of warfare in densely populated civilian areas amounts to indiscriminate attacks, which are prohibited by international humanitarian law. Indiscriminate attacks that kill or injure are war crimes. Launching attacks that are directed at a military objective when it can be foreseen that they would cause loss of civilian life and damage to civilian objects disproportionate to the anticipated military advantage also can constitute war crimes.

In at least 10 out of the 13 incidents that it investigated Amnesty International found that there was no legitimate military objective struck or at or in the vicinity of the strike site. Under the laws of war, attacks that target civilians who are not directly participating in hostilities are always impermissible and amount to war crimes.

DOUMA

Douma, the most populous city in Eastern Ghouta and a main stronghold of the Army of Islam armed opposition group, was the first area to be targeted by government air strikes, beginning in August 2012 and continuing periodically up to the present. In January 2015, the Army of Islam responded by threatening to attack government-controlled neighbourhoods in Damascus if the government forces continued their air strikes on Eastern Ghouta. According to the state-controlled Syrian Arab News Agency (SANA), armed groups in Eastern Ghouta acted on this threat from 3 to 7 February by launching a series of rocket attacks on government-controlled neighbourhoods, killing at least 36 civilians and injuring some 70 others.⁴³ No independent sources verified these attacks or the reported casualties. According to local residents, Douma came under increased attacks by Syrian government planes,

⁴³ Albawaba, "Islamic Front threatens to attack Damascus", 25 January 2015, <http://www.albawaba.com/news/islamic-front-threatens-attack-damascus-648464> (accessed on 28 June 2015); Syrian Arab News Agency (SANA), "Seven civilians injured in terrorist rocket attack in Damascus", 3 February 2015, <http://www.sana.sy/en/?p=27359> (accessed on 28 June 2015); Sada, "Bombs fell on Damascus and death of opposition fighters in Jobar", 5 February 2015, <http://bit.ly/1loEYCs> (accessed on 28 June 2015); SANA, "Recent surge in terror attacks leaves 2 civilians dead, scores injured in Damascus, Aleppo", 6 February 2015, <http://www.sana.sy/en/?p=27655> (accessed on 28 June 2015); Al-Hadath News, "More than 70 martyrs in Damascus and its surroundings because of Zahran Alloush rockets", 6 February 2015, <http://www.alhadathnews.net/archives/149074#sthash.8eNYe4Ju.dpuf> (accessed on 18 June 2015); Free News Agency, "Many bombs fell on Damascus in the afternoon today in Abou Roumaneh and al-Rawda neighbourhood", 7 February 2015, <http://bit.ly/1IHkssD/> (accessed on 28 June 2015).

including MiG fighter jets, from 5 to 10 February.⁴⁴ According to local monitoring groups and media outlets these air strikes hit residential buildings next to the Taha mosque, the Douma Girls School, a field hospital in the Khorshid neighbourhood, a shelter and the al-Ansar mosque in the al-Masaken area of Douma, which was also being used as a shelter for displaced families.⁴⁵ The VDC subsequently published the names of 64 civilians and one fighter reported to have been killed in these air strikes.⁴⁶ Local residents contacted by Amnesty International reported further government air strikes on 14 and 15 March that hit al-Hashmiye school, a public garden and a residential building in Douma's al-Masaken neighbourhood, killing 40 civilians and two fighters according to the VDC.⁴⁷

Residents who spoke to Amnesty International by phone or Skype described what they experienced during the five days of intensified Syrian air force attacks on Douma in February 2015.

⁴⁴ See for example: Al Jazeera, "Syria air raids on rebel-held areas kill dozens", 5 February 2015, <http://www.aljazeera.com/news/2015/02/syria-air-raids-rebel-held-areas-kill-dozens-150205114337881.html> (accessed on 29 June 2015); Alessandria Masi, "Bashar al-Assad's Barrel Bombs In Douma, Attacks in Ghouta Kill nearly 200 This Week", 10 February 2015, <http://www.ibtimes.com/bashar-al-assads-barrel-bombs-douma-attacks-ghouta-kill-nearly-200-week-1812086> (accessed on 29 June 2015).

⁴⁵ See for example: ShaamNetwork S.N.N., "6 2 2015 Damascus Suburbs, Douma: the aftermath of a fighter jet strike", posted on 6 February 2015, <https://www.youtube.com/watch?v=FM5WcTNMRkk> (accessed on 28 June 2015); Syrian Network for Human Rights, "On 9 February, government forces warplanes targeted the central medical point in Damascus suburbs – Douma city which resulted in it being out of commission due to the huge destruction", 9 February 2015, <http://sn4hr.org/blog/2015/02/09/3591/> (accessed on 28 June 2015); Yasser al-Doumani, "Douma Coordination: Rocket dropped from Assad gang airplane fell on a shelter centre in Douma resulting in martyrs and wounded people 6.5.2015", posted on 6 February 2015 <https://www.youtube.com/watch?v=6KJhMHsIW2U> (accessed on 28 June 2015); Bilal Ehssan, "Douma; massive explosion in residential neighbourhoods resulting from shelling by Assad airplane and rescuing of civilians 9-2-2015", posted on 9 February 2015, <https://www.youtube.com/watch?v=siIAdaUI-CE> (accessed on 28 June 2015); Qassioun News Agency, Damascus Suburbs: burning of commercial shops from the fighter jet attack on Douma 9-2-2015", posted on 9 February 2015, <https://www.youtube.com/watch?v=khXwyLEm5LA> (accessed on 28 June 2015).

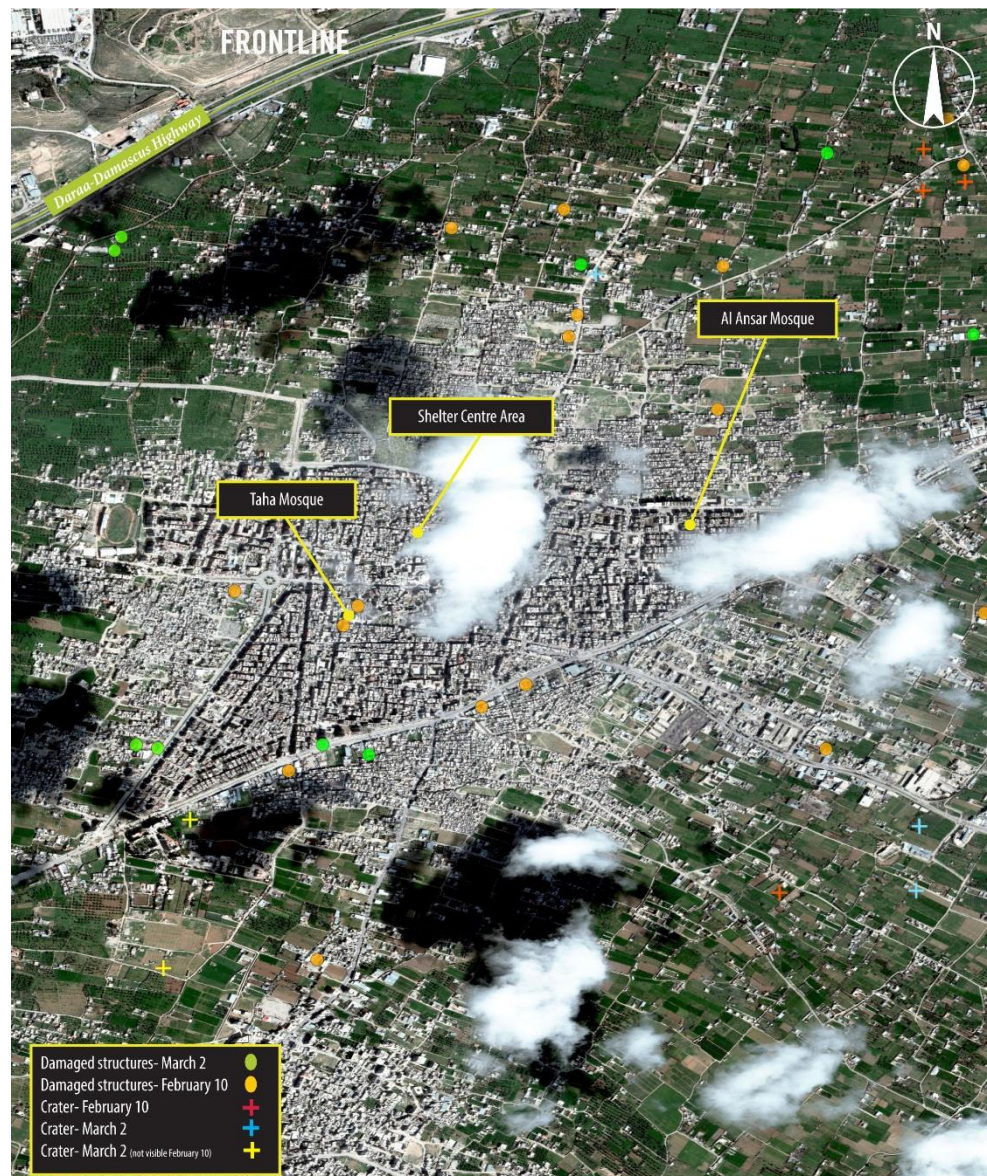
⁴⁶ See the VDC's website for list of casualties: <http://www.vdc-sy.info/index.php/en/martyrs/1/c29ydGJ5PWEua2IsbGVkX2RhdGV8c29ydGRpcj1ERVNDfGFwcHJvdmluY2U9Mnxjb2RNdWx0aT0xM3xzdGFydERhdGU9MjAxNSQwMi0wNXxlbmREYXRlPTIwMTU0MDtMTB8Mz1Eb3VtYXw> (accessed on 28 June 2015).

⁴⁷ See the VDC's website for list of casualties: <http://www.vdc-sy.info/index.php/en/martyrs/1/c29ydGJ5PWEua2IsbGVkX2RhdGV8c29ydGRpcj1ERVNDfGFwcHJvdmluY2U9Mnxjb2RNdWx0aT0xM3xzdGFydERhdGU9MjAxNSQwMy0xNHxlbmREYXRlPTIwMTU0MDtMTV8Mz1Eb3VtYXw> (accessed on 28 June 2015).

Amnesty International also commissioned the analysis of satellite images over the city of Douma to corroborate witness testimony. Images from 28 December 2014, 10 February 2015, and 2 March 2015 were analysed. Between 28 December and 2 March approximately 30 locations in Douma show signatures of aerial and ground attacks.⁴⁸ Of the areas visible, most of the damage occurred between 28 December and 10 February.⁴⁹ The most significant damage was visible in the area around the Taha mosque in the Khorshid neighbourhood.

⁴⁸ Digital Globe satellite imagery damage assessment in Eastern Ghouta, 26 June 2015.

⁴⁹ Digital Globe satellite imagery damage assessment in Eastern Ghouta, 26 June 2015.



DigitalGlobe Natural Color Imagery, March 2, 2015, 33.5695°, 36.4025°

In the Douma area, almost 30 damaged locations were visible in satellite imagery between 28 December 2014 and 2 March 2015. Over 10 new craters were also visible around the town. Some areas could not be fully analysed because of cloud cover. Douma is adjacent to the front line along the Daraa-Damascus highway.

5 FEBRUARY

According to Ziad, a local contact involved in compiling information about attacks, Syrian government planes carried out 37 strikes on Douma and its suburbs on 5 February, killing 32 civilians.⁵⁰ Rima, a teacher, told Amnesty International that at around 8am she was on her way to her work at the Douma Girls' School in Khorshid neighbourhood when it was hit by a bomb or rocket fired from a plane, damaging the school and injuring one of its students.⁵¹ Rima added that the nearest front line to the school is on the outskirts of Douma 2.5km away.



A residential building near the Taha mosque in the Khorshid neighbourhood that was destroyed by a Syrian government air strike on 5 February 2015.

In a separate incident, Zakaria, a 21-year-old student, said he saw a MiG fighter jet bomb a residential area of the Khorshid neighbourhood near the Taha mosque and a few metres from the school at 8.25am on 5 February. He told Amnesty International:

“Usually the Syrian government does not start its aerial attacks before 10am or 11am. On that day [5 February] the strike was carried out at 8.20am. I woke up to the sound of the fighter jet. I looked out and saw the MiG. I heard explosions a few seconds later. I was 200 metres away from the strike. I arrived at the site after five minutes. When I arrived I saw the site had been hit four times 50 metres apart. One of the bombs totally destroyed a residential building and damaged the buildings around it. Residents told me that they had seen a rocket strapped to a parachute but they had not had time to run.

⁵⁰ Email correspondence with a local activist, 23 April 2015.

⁵¹ Skype interview, 6 May 2015.

The targeted residential buildings are located next to Taha mosque in Khorshid neighbourhood. It was a bloody morning. Injured people were scattered everywhere... I don't remember the exact number of bodies but I saw at least 10 bodies on the street. I saw other bodies but I don't know if they were alive or dead. I also saw old people among the injured."⁵²

Zakaria said the dead included two of his neighbours, Nadine Abd al-Aziz al-Toukhi and Boshra Salim Sobhie.⁵³ Both were included in a list of 21 civilians killed in the 5 February air strikes published by the VDC.⁵⁴ According to Zakaria, this was not the first time that the neighbourhood has been struck despite it being populated with civilians and around 3km away from the closest front line, where the military bases are located.

Abu Hussam, a local resident, also told Amnesty International that he saw a Syrian fighter jet dropping several bombs strapped in parachutes on the Khorshid neighbourhood on 5 February. He said:

*"On 5 February, I had breakfast with my family and left to work. My wife and 20-year-old daughter stayed home. My daughter is a social worker and a volunteer with the Syrian Red Crescent. At around 8.15am I saw the attack on the Khorshid neighbourhood. I was still in the vicinity. A few minutes later I arrived home and saw that my house was destroyed. There were no more walls and one floor on the ground. The Civil Defence team was able to save my wife from under the rubble but my daughter was instantly killed. My daughter was a symbol of hope. She always helped her community and worked closely with children traumatized by the conflict. A week before she died, she had got engaged and was planning her future with her husband. Now she is a martyr."*⁵⁵

Amnesty International reviewed videos posted on-line that appear to show Syrian government jets carrying out air strikes on 5 February on residential buildings, the resulting destruction, people covered in dust caused by the explosions, and ambulances ferrying children and

⁵² Skype interview, 20 April 2015.

⁵³ al-Mokhles al-Amine, "Douma 5-2-2015- Douma Coordination-the martyr Nadine Abd al-Aziz al-Toukhi", posted on 5 February 2015, https://www.youtube.com/watch?v=yk9WuE_tzZ8 (accessed on 29 June 2015); al-Mokhles al-Amine, "Douma 5-2-2015- Douma Coordination-the martyr Boshra Salim Sobhie", posted on 5 February 2015, <https://www.youtube.com/watch?v=D5uHrDthE9M> (accessed on 29 June 2015).

⁵⁴ See the VDC's website for list of casualties: <http://www.vdc-sy.info/index.php/en/martyrs/1/c29ydGJ5PWEua2lsbGVkX2RhdGV8c29ydGRpcj1ERVNDfGFwcHJvdmVkpXZpc2libGV8ZXh0cmFkaXNwbGF5PTB8c3RhdHVzPTF8cHJvdmluY2U9Mnxjb2RNdWx0aT0xM3xzdGFydERhdGU9MjAxNSQwMi0wNXxlbmREYXRlPTlwMTUtMDItMDV8Mz1Eb3VtYXw=> (accessed on 28 June 2015).

⁵⁵ Phone interview, 22 June 2015.

women to field hospitals.⁵⁶

According to Zakaria, Abu Hussam and other local people who spoke to Amnesty International individually, no fighters opposed to the government were present in the Khorshid neighbourhood at the time of the 5 February attacks and they were not operating prisons, manning checkpoints or storing weapons in the area, as far as they could tell. The videos posted on-line that Amnesty International reviewed also show no presence of fighters or people carrying arms either among the dead and injured or assisting at the scene in the aftermath of the attacks. Some of those manning ambulances are in uniform but unarmed, others are in civilian dress.⁵⁷ On the basis of the evidence available, therefore, the 5 February government air strikes on the Khorshid neighbourhood appear to have been direct attacks on civilians and civilian objects, or otherwise indiscriminate attacks that killed or injured civilians, and thus to amount to war crimes.

6 FEBRUARY

Syrian air force jets launched at least four air strikes soon after 10am, hitting the al-Ansar mosque in the al-Masaken neighbourhood, which was being used as a shelter for displaced families, a second shelter in the same neighbourhood, and residential buildings in the Khorshid neighbourhood, according to two witnesses who spoke to Amnesty International and secondary sources.

⁵⁶ Syrian Revolution Union Coordination, "Urgent: Douma earlier today massacre and massive destruction resulting from a fighter jet strike on civilian homes 5-2-2015", posted on 5 February 2015, <https://www.youtube.com/watch?v=d5Y1BpX8SEA> (accessed on 29 June 2015), ShaamNetwork S.N.M., "Damascus Subrubs Douma fighter jet strike targets the city centre 5 2 2015", posted on 5 February 2015, <https://www.youtube.com/watch?v=VaP-Oqt06tY> (accessed on 28 June 2015); Bilal Ehssan, "Douma fighter jets strike residential buildings 5 2 2015", posted on 5 February 2015, <https://www.youtube.com/watch?v=IIDLso8bZx4> (accessed on 28 June 2015).

⁵⁷ Syrian Revolution Union Coordination, "Urgent: Douma earlier today massacre and massive destruction resulting from a fighter jet strike on civilian homes 5-2-2015", posted on 5 February 2015, <https://www.youtube.com/watch?v=d5Y1BpX8SEA> (accessed on 29 June 2015); LCCmedia 2015, "Transfer of injured people resulting from airstrikes on Douma in Damascus Suburbs 5 2 2015", posted on 5 February 2015, <https://www.youtube.com/watch?v=RQK47ROC4FI> (accessed on 29 June 2015).



Ruins of residential buildings near the al-Ansar mosque in al-Masaken neighbourhood that were destroyed by government air strikes in February 2015.

Zakaria, the student, told Amnesty International that he heard a jet come over Douma at around 10am and then an explosion in the vicinity of the al-Ansar mosque. He said that he then visited the al-Ansar mosque a few minutes later, saw the damage to the mosque and the civilian victims inside. He said:

“I was at home when the attack happened. I heard and saw the government fighter jet. It was also a MiG, just like the day before. The fighter jets carried out two strikes on Khorshid neighbourhood, the same site attacked the day before but the difference is that more buildings were destroyed. I felt I was reliving the attack on 5 February. When I arrived, I saw that around 70% of the buildings in the neighbourhood were no longer suitable for living. People also told me that parachute bombs were used, just like the day before. The bomb destroyed two buildings. I saw shops burning. I saw the medics removing children from under the rubbles. They were still alive but badly injured. Just when you feel that you survived an attack another one hits you the next day. How many times can you actually survive?”⁵⁸

Amir, a 24-year-old activist, told Amnesty International that from his home he saw and heard a jet descend and drop bombs, followed by an explosion. He then went to the al-Ansar mosque, which had been hit and partially destroyed. He said:

⁵⁸ Skype interview, 20 April 2015.

"I saw that a bomb penetrated the dome of the mosque reaching the basement. When I went down to the basement I saw at least 10 people killed from three families. Some of the bodies were severely disfigured but other family members identified them. The casualties included the bodies of six children. I don't know their ages but all were below 18. The families are displaced people from Eastern Ghouta. Their homes were destroyed and they found refuge at the mosque thinking it was safe. Little did they know that a government air strike would hunt them down in a mosque. Nowhere is safe."⁵⁹

Amir said that 30 minutes after the attack on al-Ansar mosque he heard what appeared to be another air strike explosion nearby. He went to the strike site, a shelter for civilians run by a local group, and saw that the strike had killed at least four people and injured 10 others, all civilians who were sheltering there.⁶⁰ The air strike had penetrated three floors of the building down to the ground level floor.

The VDC identified the names of 12 civilians killed in the 6 February air strikes, including three children and two women but no armed group fighters.⁶¹ Ziad told Amnesty International that they believed at least 20 civilians had been killed and that Syrian government planes had carried out 10 separate air strikes that day.⁶² On-line videos reviewed by Amnesty International show the destruction at and near the mosque, and the injured and bodies of the dead being taken away in ambulances and cars but no evidence of any military targets at the site or in its vicinity.⁶³ As with other such attacks, the government did not acknowledge that civilians were harmed. SANA reported on 6 February that "army units were destroying dens of terrorists in center of Douma."⁶⁴

9 FEBRUARY

Syrian government planes again attacked Douma's Khorshid neighbourhood on 9 February.

⁵⁹ Skype interview, 21 April 2015.

⁶⁰ Skype interview, 21 April 2015.

⁶¹ See the VDC's website for list of casualties: <http://www.vdc-sy.info/index.php/en/martyrs/1/c29ydGJ5PWEua2lsbGVkX2RhdGV8c29ydGRpcj1ERVNDfGFwcHJvdmVkJzpc2libGV8ZXh0cmFkaXNwbGF5PTB8c3RhdHVzPTF8cHJvdmJlY2U9Mnxjb2RNdWx0aTOxM3xdGFydERhdGU9MjAxNS0wMi0wNnxlbnREYXRiPTIwMTU0MDZ8Mz1Eb3VtYXw> (accessed on 28 June 2015).

⁶² Email correspondence with a local contact, 23 April 2015.

⁶³ ShaamNetwork S.N.N., "Damascus Suburbs Douma aiding casualties after Assad forces strike the city-gruseome video 6 2 2015", posted on 6 February 2015, <https://www.youtube.com/watch?v=8Y9QqL3BdUA> (accessed on 28 June 2015); ShaamNetwork S.N.N., "Damascus Suburbs Douma destruction resulting from a fighter jet strike 6 2 2015", posted on 6 February 2015, <https://www.youtube.com/watch?v=FM5WcTNMRkk> (accessed on 28 June 2015); Qassioun News Agency, "Damascus suburbs, seventh strike on the city of Douma 6-2-2015", posted on 6 February 2015, <https://www.youtube.com/watch?v=6BjPGEgt2iU> (accessed on 29 June 2015).

⁶⁴ SANA, "Updated Army continues counter-terrorism operations, kills scores of terrorists from so-called "Islam Army", 6 February 2015, <http://www.sana.sy/en/?p=27572> (accessed on 10 July 2015).

The VDC, identified 30 civilians and one fighter by name who were killed in the attack. According to Ziad, a total of 38 civilians died in the attacks.⁶⁵

Hisham, a 28-year-old media activist, told Amnesty International that he and others in his office in the Khorshid neighbourhood heard a jet overhead at around 11am and immediately took cover under some tables in anticipation of the explosion that ensued minutes later. According to Hisham, the force of the blast from near the Taha mosque, less than 500 metres away, shattered his office windows but neither he nor others present were injured. Hisham said he went out onto the street to see what had occurred, survey the damage and help the injured, but that there was then a further air strike. He said:

*"I arrived at the Taha mosque, the site of the attack, and saw everyone in a state of panic. I saw that a rocket had fallen on a residential building adjacent to the Taha mosque. I saw more than nine bodies scattered on the street and hundreds of injured men, children and women. Some of the bodies were so disfigured that it was hard to identify them. The buildings surrounding the Taha mosque were destroyed. There was a field hospital and a school next to the building that had collapsed in the strike. It was an underground field hospital but it was also destroyed... Civil Defence volunteers were everywhere trying to rescue the people from under the rubble. I heard the fighter jet again. Everyone went into hiding. Another nearby explosion was heard."*⁶⁶

Halim, another local media activist, also told Amnesty International that he witnessed the attack next to the Taha mosque in the Khorshid neighbourhood on 9 February around 11am, stating that he saw fighter jets drop parachute bombs which struck the neighbourhood and then the dead and injured. He said:

*"I saw the fighter jets, either a MiG or Sukhoy, and saw the parachute bombs launched from the fighter jets. The bombs strapped to the parachutes fell more slowly but there is no way that one can know where the bombs will land. They sway as they fall. The bombs fell on a residential building next to the mosque. The bombs destroyed the entire building and damaged five surrounding buildings. I remember seeing Rashid Ali Khayti's body removed from under the rubble. He owns a shop that sells paints. His shop was destroyed by the blast and also caught fire. I also saw an elderly man called Abu Hatem Sheikh Najjar [who was killed]. He works as a tailor and his shop was next to Rashid's, it also caught fire. My friend Mohammed Na'man was also injured. I saw several children and women injured but I can't remember how many."*⁶⁷

⁶⁵ See the VDC's website for list of casualties: <http://www.vdc-sy.info/index.php/en/martyrs/1/c29ydGJ5PWEua2l5bGVkX2RhdGV8c29ydGRpcj1ERVNDfGFwcHJvdmVkpXZpc2libGV8Zzh0cmFkaXNwbGF5PTB8cHJvdmluY2U9Mnxjb2RNdWx0aT0xM3xzdGFydERhdGU9MjAxNS0wMi0wOXxlbmREYXRIPTlwMTUtMDItMDI8>; email correspondence with a local contact, 23 April 2015.

⁶⁶ Skype interview, 17 April 2015.

⁶⁷ Skype interview, 17 April 2015.

Amnesty International reviewed a video posted on-line that showed the funeral procession of six civilians killed by the 9 February air strikes on the Khorshid neighbourhood: two children from the same family, Bilal and Salim Ferzat al-Dalati, and a third child, Yasmine al-Dora; and three women, Roweida and Nour Naji, and Manal al-Telawi.⁶⁸ Other on-line videos viewed by Amnesty international showed some of the destruction that the air strikes caused including collapsed buildings, burning shops and damaged ambulances, as well as rescuers in civilian clothes or uniforms of the Syrian Arab Red Crescent society pulling people from the rubble and bodies of the dead laid out in the street.⁶⁹

Satellite imagery analysis corroborates the witness and video evidence reviewed by Amnesty International for the 6 and 9 February air strikes in the vicinity of the Taha mosque, showing that multiple buildings were completely destroyed and that many others were significantly damaged. The imagery reflects that these attacks took place between 28 December and 10 February.⁷⁰

⁶⁸ al-Mokhles al-Amine, "Douma 10-2-2015 martyrs Bilal, Salim, and Hind al-Dalati , Ruweida and Nour al-Naji, Yasmine al-Dura and Manal al-Tlawi", posted on 12 February 2015, <https://www.youtube.com/watch?v=IFzh0mwRC5s&feature=youtu.be> (accessed on 28 June 2015).

⁶⁹ Qassioun News Agency, "Damascus Suburbs: burning of commercial shops from the fighter jet attack on Douma 9-2-2015", posted on 9 February 2015, <https://www.youtube.com/watch?v=khXwylEm5LA> (accessed on 28 June 2015); Bilal Ehssan, "Douma; massive explosion in residential neighbourhoods resulting from shelling by Assad airplane and rescuing of civilians 9-2-2015", posted on 9 February 2015, <https://www.youtube.com/watch?v=silAdaUI-CE> (accessed on 28 June 2015); ShaamNetwork S.N.N., "Damascus Suburbs, Douma, the search for casualties under rubbles", posted on 9 February 2015, <https://www.youtube.com/watch?v=hRfidj8RsDI> (accessed on 29 June 2015); LCCmedia 2015, "Massacre from fighter jet strike in Douma in Damascus Suburbs", posted on 9 February 2015, <https://www.youtube.com/watch?v=RyMvhdRovfQ> (accessed on 29 June 2015).

⁷⁰ Digital Globe satellite imagery damage assessment in Eastern Ghouta, 26 June 2015.



DigitalGlobe Natural Color Imagery, December 28, 2014, 33.5697°, 36.3980°

On 28 December 2014, satellite imagery shows the Taha mosque area of Douma. Yellow circles indicate where the damage will be visible in subsequent images.



DigitalGlobe Natural Color Imagery, February 10, 2015, 33.5697°, 36.3980°

The Taha mosque area of Douma after being attacked. Satellite imagery on 10 February is hazy but variations in the texture of the area are visible, indicating damage. Yellow circles show the damaged areas.



DigitalGlobe Natural Color Imagery, March 2, 2015, 33.5697°, 36.3980°

Satellite imagery from 2 March 2015 clearly shows many severely damaged structures in the Taha mosque area of Douma.

No military fighters or armed men or military installations or equipment could be seen in the videos reviewed, and witnesses who spoke to Amnesty International said that no armed group fighters were based in the area or present when the Khorshid neighbourhood was attacked. Halim said that the nearest front line was at least 2.5km away.⁷¹ Hisham also told Amnesty International that no military objectives were in the vicinity of the strike site, explaining that: "The armed groups moved all of their offices and bases in 2014 to the suburbs because there are so many government informers in Eastern Ghouta."⁷²

Amnesty International was unable to obtain information regarding the neighbourhood in which the one fighter reported by the VDC to have been killed in Douma on 9 February was killed or the circumstances of his death and cannot therefore exclude that he may have been killed in the aerial attacks there. The attacks on 9 February appear to have been directed at civilians and civilian objects. Even if some of the strikes were intended to hit a legitimate military objective, they would be grossly disproportionate or otherwise indiscriminate. These strikes may therefore amount to war crimes.

14 AND 15 MARCH

Syrian government warplanes launched six air strikes on Douma's al-Masaken neighbourhood on 14 and 15 March, damaging residential buildings, the al-Hashmiye school and the al-Naoura public garden, three local people told Amnesty International. Images recorded in the aftermath of the attack on 15 March show extensive damage to the school and residential buildings. According to the VDC, the two days of air strikes killed 40 civilians and two fighters.⁷³

Farid, a 28-year-old media activist, said he witnessed a Syrian air force plane dropping several bombs at about 10am on 14 March that struck residential buildings next to the al-Naoura public garden. He then went to the scene of the attack and saw the civilian victims of the strike. He told Amnesty International:

*"I arrived [at the scene of the explosions] 10 minutes after the attack took place. The bombs destroyed several residential buildings next to the garden. I saw 20 people who had been killed, including 13 women. Some of the people killed had died after the building collapsed."*⁷⁴

Farid told Amnesty International that to his knowledge, as a resident of Douma, there were no military bases, weapons depots, checkpoints or fighters in the vicinity of the strike site. "The

⁷¹ Skype interview, 17 April 2015.

⁷² Skype interview, 17 April 2015.

⁷³ See the VDC's website for list of casualties: <http://www.vdc-sy.info/index.php/ar/martyrs/1/c29ydGJ5PWEua2l5bGVkX2RhdGV8c29ydGRpcj1ERVNDfGFwcHJvdmVkpXZpc2libGV8ZXh0cmFkaXNwbGF5PTB8cHJvdmluY2U9Mnxib2RNdWx0aT0xM3xzdGFydERhdGU9MjAxNS0wMy0xNHxlbmREYXRiPTlwMTUtMDMtMTV8Mz0lRDglQUYlRDklODglRDklODUJRdglQTd8> (accessed on 28 June 2015).

⁷⁴ Skype interview, 15 May 2015.

rebels moved everything away to the front line, which is several kilometres away, more than a year ago," he explained.⁷⁵

Issam, a member of the local Civil Defence team, told Amnesty International that some 24 hours later, at around 10am on 15 March, he saw what he recognized as a MiG fighter jet drop bombs with parachutes attached onto the al-Hashmiye primary school for girls, where children were then attending classes, and nearby buildings. As soon as it appeared that the MiG had gone, he and others ran to the school. There, he said:

*"I saw three to four children with severe injuries to their extremities. The children were injured while playing in the playground. The strikes also damaged at least four residential buildings around the school, injuring and killing several civilians. The local council changed school hours to avoid air strike attacks."*⁷⁶

He told Amnesty International that to his knowledge there were no military objectives next to the school or in al-Masaken neighbourhood. "In 2014, rebels moved to the suburbs after residents complained and the number of government informers increased," he said.

According to SANA, the Syrian Army carried out several attacks on al-Naoura garden, Douma city centre, and al-Reihan, Alia and Tel Kurdi agricultural fields north of Douma during the week of 15 March.⁷⁷ While the al-Naoura garden and Douma city centre are populated civilian areas, al-Reihan, Alia and Tel Kurdi are agricultural fields where military installations and fighters are based.

SANA reported that the attacks during the week of 15 March destroyed 11 military objectives including weapons and ammunition and killed several Afnar al-Sham and Army of Islam fighters including Mahmoud Abdel-Hai, Qassem Abu Aisha, Mohammed Ibrahim, Khaled al-Laka, Khalil Nahas and Jamal al-Halabi and injured others.⁷⁸ The report did not, however, indicate in which of the stated areas these objectives or fighters were located. The two fighters identified by the VDC as having been killed in Douma on 14 and 15 March are not included in the SANA report, but one individual identified by SANA as a killed fighter, Qassem Abu Aisha, is identified by the VDC as a civilian killed in Douma on 15 March.

Amnesty International was unable to obtain information regarding the neighbourhood in which the two fighters reported by the VDC to have been killed in Douma on 14 and 15 March or the circumstances of their death and cannot therefore exclude that they may have

⁷⁵ Skype interview, 15 May 2015.

⁷⁶ Skype interview, 19 June 2015.

⁷⁷ SANA, "Destruction of machinery and the terrorist organizations announces the killing of 36 members in Douma, taking control of al-Malaha farm in Deir Ez Zor", 16 March 2015, <http://www.sana.sy/?p=169937> (accessed on 10 July 2015).

⁷⁸ SANA, "Destruction of machinery and the terrorist organizations announces the killing of 36 members in Douma, taking control of al-Malaha farm in Deir Ez Zor", 16 March 2015, <http://www.sana.sy/?p=169937> (accessed on 10 July 2015).

killed and injured in the strike. He said:

*"The bombs fell on civilians in a market place. It was a disaster... The bodies and injured people were everywhere... only civilians were present at the time of the attack. I saw eight bodies including two children and a woman. I remember very well because they were the first thing I saw when I arrived... The buildings surrounding the market were all either damaged or completely destroyed."*⁸²

Bassim told Amnesty International that to his knowledge there was no military presence in Kafr Batna and that fighters were positioned at the front line 2km away.⁸³

Kamal, another local activist who spoke to Amnesty International, was in the vicinity of the Kafr Batna market during the attack. He said he saw a MiG aircraft in the sky prior to the attack flying at a high altitude. He went to the strike site minutes after the bombing. He told Amnesty International:

*"It was around 1pm, the busiest hour of the day when the MiG dropped the bombs on the market. I was 20 metres away from the site of the attack but I was not hurt... One rocket fell exactly on the public market that sells clothes. When I arrived at the market, minutes later, I saw that the majority of casualties were women and children. I saw flesh on the ground and many injured people. Some of the bodies were unidentifiable. A girl who usually begs for money in the public market was among the casualties that day. It was very sad... Most of the injuries were in the head and extremities. Two residential buildings next to the market were completely destroyed by bombs killing more people."*⁸⁴

Kamal also told Amnesty International that there were no fighters present in the market, explaining that residents refuse to have fighters based in residential areas. He said that the fighters were based on the front lines and that the closest front line was in Mleha 3km away.

Amnesty International reviewed video footage taken shortly after the strike on the public market and posted on-line. This showed extensive destruction to the market area, including shops and nearby buildings, at least 15 apparently dead bodies, blood and flesh on the ground, and wounded people scattered about and being helped away by men in civilian

⁸² Skype interview, 22 April 2015.

⁸³ Skype interview, 22 April 2015.

⁸⁴ Skype interview, 28 June 2015.

clothes.⁸⁵

The location and timing of the attack – on a public market at one of its busiest hours – together with witness testimony and video footage indicating no military target or presence in the vicinity of the market, indicates that the Syrian government air strikes on Kafr Batna on 5 February directly targeted attacks on civilians and civilian objects, or at best were indiscriminate attacks that killed and injured civilians, and amounted to war crimes.

HARASTA

Local contacts and monitoring groups told Amnesty International that on 22 April at 12.15pm Syrian fighter jets dropped five bombs on Harasta, 5.5km to the north-east of Damascus. The attack killed 10 civilians, including one child, two women and seven men, injured 35 civilians and caused extensive damage to residential buildings in three neighbourhoods, according to Ziad, a local contact.⁸⁶

Saber, a local resident, told Amnesty International that he saw a MiG fighter jet above Harasta a few minutes before hearing an explosion. He reported that 10 minutes later he heard a second explosion. He said that the jet dropped a bomb on the al-Bustan neighbourhood of Harasta from a high altitude. He visited the al-Bustan strike site where he saw the aftermath of the attack. He said:

"I arrived at al-Bustan a few minutes after the strike. I saw around five buildings were either destroyed or damaged. I saw at least 30 injured people including children and women. We have one ambulance and the rest were transferred either in cars or motorcycles. Eight people were killed in al-Bustan but we don't know how many were buried under the rubble. I was told that yesterday a boy was removed from under the rubble. I don't know if he was still alive. I saw that a local humanitarian organization called Beit al-Shami organization located in al-Bustan neighbourhood was damaged by the attack. Mahmoud Morshed al-Mdalal, a close family relative was killed in al-Bustan."⁸⁷

Saber told Amnesty International that to his knowledge there were no military offices, bases or vehicles in the al-Bustan neighbourhood and that no fighters were among the casualties. He said that the nearest position at which fighters were stationed was a front line 2km away.

⁸⁵ LCCmedia 2015, "Rocket attacks on a public market in Kafr Batna Damascus Suburbs 5 2 2015", posted on 5 March 2015, https://www.youtube.com/watch?v=e_PNOkg25NI (accessed on 29 June 2015); Syrian Revolution Union Coordination, "Gruesome image from the site of the attack in the city centre of Kafr Batna 5 2 2015", <https://www.youtube.com/watch?v=UgbvjBqA4d4> (accessed on 29 June 2015); Kafr Batna Coordination, "Martyrs, flesh and martyrs massacre 5/2/2015", posted on 5 February 2015, <https://www.youtube.com/watch?v=VH8750vO8LA> (accessed on 29 June 2015); Syrian Revolution Union Coordination, "Massacre in Kafr Batna Damascus Suburbs and more than 27 martyrs 5-2-2015", posted on 5 February 2015, <https://www.youtube.com/watch?v=jUs8Y5b87jQ> (accessed on 29 June 2015).

⁸⁶ Email correspondence with a local contact, 23 April 2015.

⁸⁷ Skype interview, 25 April 2015.

Amnesty International reviewed several videos posted on-line that show the blast from the explosion, the destruction of buildings, and the injured, including children, being pulled out of the rubble, transported to, and in a field hospital.⁸⁸ The videos reflect the civilian nature of the strike site and do not show any fighters, weapons, or military positions.

Saber, local monitors and activists told Amnesty International that starting in March 2014 part of Harasta had been spared from aerial attacks because the armed opposition and the Syrian government reached a ceasefire agreement, but that a second part controlled by Fajer al-Omma brigade was not and as result continued to be targeted. The local contacts told Amnesty International that on 21 April armed opposition groups launched an offensive on Jobar from Eastern Ghouta and that they believed the Syrian government attacked Harasta and other areas of Eastern Ghouta in retaliation.

On the basis of the evidence available, therefore, the 22 April government air strikes on the al-Bustan neighbourhood appear to have been direct attacks on civilians and civilian objects, or at best indiscriminate attacks that killed and injured civilians and thus to amount to war crimes.

HAMOURIA

On 23 January 2015, according to local residents, a Syrian air force Sukhoi jet, distinguishable by its colour and the size of the wings, dropped several bombs at a public market in Hamouria, 6km to the east of Damascus, at around 1pm after Friday prayers as worshippers were leaving the Abi Idriss al-Kholani mosque, about 300 metres away. Subsequently, the VDC published the names of 47 civilians, but no fighters, who were killed in the strike on the market.⁸⁹

Seif, a local media activist, told Amnesty International that he was on the balcony of his home near the market when he saw the Sukhoi overhead and soon after heard and felt an explosion that shook his home so strongly that he felt his balcony would collapse. Shortly after the strike he went to the market and helped to transport the wounded. He said:

"I feared that the market had been hit and it turned out that it had been. I arrived at the market five minutes after the explosion. I usually film the aftermath of an attack but this time I had to help in transferring the massive number of injured people. I saw five bodies

⁸⁸ Saria Ebad, "The Assad strike succeeded in killing and injuring children after medics tried to rescue them with simple equipment", posted on 22 April 2015, <http://youtu.be/UfjokiJyEsw> (accessed on 12 June 2015); Saria Ebad, "Harasta: attempting to remove the bodies from under the rubble", posted on 22 April 2015, http://youtu.be/P7hUAFh9Q_g (accessed on 12 June 2015); al-Mashari' Office, "the sixth strike on the center of the city and its outskirts", posted on 22 April 2015, https://youtu.be/g6wAeWn_DuY (accessed on 13 June 2015).

⁸⁹ See the VDC's website for list of casualties: <http://www.vdc-sy.info/index.php/en/martyrs/1/c29ydGJ5PWEua2IsbGVkX2RhdGV8c29ydGRpcj1ERVNDfGFwcHJvdmluY2U9Mnxjb2RNdWx0aT0xM3xzdGFydERhdGU9MjAxNS0wMS0yM3xlbmREYXRIPTIwMTUtMDEtMjN8Mz1lYW1vdXJpYXw> (accessed on 28 June 2015).

that were too disfigured to be able to identify them. Some faces had no skin, I could only see blood. It was horrific, like nothing I have seen before. I went four times back and forth to the field hospital, each time transferring four bodies, including children who were with their fathers. The biggest number of casualties are men because they... were at the market buying sugar at a discounted price, so it was packed."⁹⁰

Seif told Amnesty International that there was no military presence at the market or in the vicinity of the market and that the nearest fighters were positioned on a front line 3-4km away. "They have no business in Hamouria," he explained.⁹¹

Hussam, a local activist, told Amnesty International that he was at the Abi Idriss al-Kholani mosque when the market was hit. He visited the market after the strike and saw some of the dead and injured. He said:

*"I saw five shops damaged by the strike on the road that takes you to the mosque, and two shops in the market completely razed to the ground. I recorded the injury of 50 people including four children and 16 women. Most of the injuries were in the extremities."*⁹²

Hussam estimated that the closest military objective was at a front line 3km away.⁹³ Qossay, a media activist based in Saqba, told Amnesty International that the same Syrian fighter jet flew over Saqba immediately before it attacked Hamouria and that he was about 700 metres away when its bombs hit the market. He arrived at the scene around 10 minutes later. He said:

*"When I arrived the injured people were still on the ground. I remember seeing two injured children and one elderly man. There were at least 15 bodies scattered all around covered with dust. They were not moving. The worst thing was looking at the bodies and only seeing blood because their faces were disfigured. As I walked I stumbled on the bodies of the people because they were covered with layers of dust and I genuinely could not see them. I was in a state of panic like everybody else."*⁹⁴

According to Qossay, there were no armed group fighters or military installations or equipment in or near to the market. He told Amnesty International:

"I do not understand why the Syrian army targeted a market place in a purely residential area, especially given that the closest front line next to the southern highway by Ein Terma and Zamelka is at least 4km away. There are no armed groups, offices or weapons

⁹⁰ Skype interview, 28 April 2015.

⁹¹ Skype interview, 28 April 2015.

⁹² Skype interview, 29 April 2015.

⁹³ Skype interview, 29 April 2015.

⁹⁴ Skype interview, 28 April 2015.

*in the vicinity of Hamouria.*⁹⁵

Videos posted on-line also show no armed men or other potential military targets at the scene of the attack, only the carnage caused by the air strikes – burning shops, collapsed buildings, and bodies and body parts littering the ground.⁹⁶ According to both the VDC and the Syrian Network for Human Rights (SNHR), those killed in the strike were all civilians. The available evidence – including the location and time of the attack, witness testimony and video footage – indicates that they died as the result of a deliberate attack on civilians and a civilian market, or at best an indiscriminate attack, by Syrian government forces, and therefore were victims of a war crime.

DEIR ASAFIR

On 4 March, Syrian government warplanes dropped six bombs on a residential street – al-Halibi Home Street – in the village of Deir Asafir, 12km south-east of Damascus, killing six civilians – two internally displaced people from Jobar, three members of the al-Ghaith family and a victim too badly disfigured to be identified, according to Hamza, a resident of the street.⁹⁷ The village had previously been the target of a deadly cluster bomb attack by Syrian government forces in November 2012. Hamza who said he witnessed the 4 March 2015 attack, told Amnesty International that he was some distance from his home, which was one of 15 that the bombs destroyed. He said that, as far as he was aware, there were no armed group fighters or installations present in or near the street that was hit, and that the closest such fighters were at the front line some 4km away in Zibdeen.⁹⁸

Khaled, a resident of Deir Asafir, told Amnesty International that he witnessed two other Syrian government air strikes against the village on 10 March and 24 April, both of which appeared to target the local school, which caters for about 500 children. The first attack on 10 March saw a bomb hit residential buildings near the school, killing three civilians and injuring some students in the school. And on 24 April bombs struck the ground about 75 metres from the school, damaging it and causing its temporary closure but without causing casualties. Khaled said there were no armed group fighters present or nearby at the time of the attacks; the nearest fighters would have been some 3km away at the front line near Damascus airport.⁹⁹

Amnesty International reviewed four videos that Hamza and Khaled had filmed in the

⁹⁵ Skype interview, 28 April 2015.

⁹⁶ ShaamNetwork, “Damascus Suburbs: Hamouria martyrs and injures as a result of the strikes”, posted on 25 January 2015, <https://www.youtube.com/watch?v=aRUg6PillKw> (accessed on 16 June 2015); ShaamNetwork, “Damascus Suburbs: Hamouria burning and destruction by the military air strikes”, posted on 23 January 2015, <https://www.youtube.com/watch?v=MWkd2l5giMo> (accessed on 16 June 2015).

⁹⁷ Skype interview, 24 April 2015.

⁹⁸ Skype interview, 24 April 2015.

⁹⁹ Phone interview, 24 April 2015.

aftermath of each of the two separate air strikes. Those filmed following the 4 March air strike show that the homes it destroyed were located beside fields used for agriculture as well as four children purportedly injured in the strike in a field hospital.¹⁰⁰ The video that Khaled filmed on 10 March and other videos that were posted on-line show a massive explosion, children carrying backpacks seeking refuge and four injured children in a field hospital on 10 March.¹⁰¹ According to the VDC, the attacks on 4 and 10 March killed four civilians but no fighters.¹⁰² None of the videos reviewed by Amnesty International show any armed group fighters or military objectives in the area in the aftermath of the strikes.

On the basis of the evidence available, therefore, the 4 and 10 March government air strikes on Deir Asafir appear to have been direct attacks on civilians and civilian objects, or otherwise to have been indiscriminate attacks that killed or injured civilians, and thus to amount to war crimes.

GOVERNMENT ATTACKS WITH MISSILES AND OTHER PROJECTILES

Syrian government forces have also repeatedly attacked civilian areas located near the front lines between them and the armed groups controlling much of Eastern Ghouta using ground-fired rockets, missiles and mortars, killing and injuring many civilians and causing extensive destruction of civilian property and infrastructure. According to the VDC, 164 civilians had been killed in such attacks in 2015 up to 28 June.

Within Eastern Ghouta, according to local residents, the armed groups fighting against the government have established positions in agricultural lands that form the front line between them and government forces, and maintain their men, bases and weapons stores in or close to these areas. Despite this, Syrian government forces have repeatedly fired surface-to-surface Grad rockets, and mortars and improvised weaponry such as so-called “elephant rockets” into civilian areas 2km or more behind the front lines.¹⁰³

In two incidents documented by Amnesty International the Syrian government appears to

¹⁰⁰ Deir Asafeer, “Destruction of civilian houses”, posted on 4 March 2015, <http://youtu.be/pHSqjhRiV4> (accessed on 29 June 2015); Deir Asafeer, “Injured Children”, posted on 4 March 2015, <http://youtu.be/H3QuiglI07U> (accessed on 29 June 2015); Deir Asafeer, “Removal of martyrs from under the rubbles”, posted on 4 March 2015, <http://youtu.be/pmw6oGkjiMU> (accessed on 29 June 2015).

¹⁰¹ Adam al-Shami, “Students run away from school at the moment of the air strike resulting in the injuries including women and children”, posted on 10 March 2015, <https://www.youtube.com/watch?v=Ou44XXLcAZ8> (accessed on 29 June 2015); Deir Asafeer, “When the injured arrived”, 10 March 2015, <http://youtu.be/pDMmm2NJ7dU> (accessed on 29 June 2015).

¹⁰² See the VDC’s website for list of casualties: <http://www.vdc-sy.info/index.php/en/martyrs/1/c29ydGJ5PWEua2lsbGVkX2RhdGV8c29ydGRpcj1ERVNDfGFwcHJvdmV4Pj1XZpc2libGV8ZXh0cmFkaXNwbGF5PTB8c3RhdHVzPTF8cHJvdmV4Y2U9Mnxjb2RNdWx0aT0xM3xzdGFydERhdGU9MjAxNS0wMy0wNHxlbmREYXRlPTlwMTUtMDMtMTB8Mz1EZWlyK0FsLUFzYWZmaXJ8> (accessed on 29 June 2015).

¹⁰³ For more information on “elephant rockets”, see: <https://www.youtube.com/watch?v=-WaCN4D2XZY> (accessed on 29 June 2015).

have directly targeted civilians with these weapons.

ROCKET ATTACK ON DOUMA

Amnesty International documented one attack believed to be an unguided 122mm Grad artillery rocket fired from a multi-barrel rocket launcher that appeared to directly target civilians at around 6pm on 16 June. According to weapons experts consulted by Amnesty International, Grad rockets can land anywhere within an area, especially over long ranges, and therefore cannot be used with sufficient precision to pinpoint targets or differentiate between civilians and fighters.



Remnant of a rocket that hit the al-Masaken neighbourhood on 16 June 2015. According to weapons experts, it is part of a 122mm Grad rocket.

Syrian government forces fired six Grad artillery rockets that hit the al-Masaken and Manfoush areas of the city and the al-Shafonye bridge, two people based in central Douma told Amnesty International.¹⁰⁴ The rockets killed 28 civilians, according to the VDC, but no fighters.¹⁰⁵

¹⁰⁴ Phone interview, 18 June 2015; phone interview, 19 June 2015.

¹⁰⁵ See the VDC's website for list of casualties: <http://www.vdc-sy.info/index.php/ar/martyrs/1/c29ydGJ5PWEua2lsbGVkX2RhdGV8c29ydGRpcj1ERVNDfGFwcHJvdmVkJXZpc2libGV8Zkh0cmFkaXNwbGF5PTB8cHJvdmluY2U9Mnxjb2RNdWx0aT0yfHN0YXJORGFOZT0yMDE1LTA2LTE2fGVuZERhdGU9MjAxNS0wNi0xNnw> (accessed on 28 June 2015).

Saed, a local resident, said he witnessed the rocket strike on the al-Masaken neighbourhood, which destroyed three residential buildings in al-Jala' street. He provided Amnesty International with a picture of a remnant of a rocket used in the attack which weapon experts identified as a Grad rocket. He said:

*"I was a few metres away from the place of the attack... I saw the bodies of four children who were killed in one of the buildings. Civil Defence members continued to remove people from under the rubble until around 3am the next day."*¹⁰⁶

According to Saed, the al-Masaken neighbourhood is at least 2km away from the nearest front line where the fighters, military bases and weapons were located. He told Amnesty International that no military personnel were living in the buildings that were struck. Other residents from al-Masaken, including Issam and Amir, also told Amnesty International that there were no military objectives in the neighbourhood.

Abdullah, a local activist, said that Syrian government forces were firing surface-to-surface Grad rockets onto the al-Masaken neighbourhood, from positions on the Qassioun Mountains, which overlook Damascus and Eastern Ghouta. He estimated that the nearest front line was then at least 3km away from al-Masaken in Douma.¹⁰⁷ The Qassioun Mountains are to the south-east of the al-Masaken neighbourhood whereas the front line in Douma is to the north. It is difficult to imagine that rockets aimed at al-Masaken from the Qassioun Mountains were intended for Douma front line and inadvertently hit the populated civilian neighbourhood.

According to Saed, those killed by the missile strike included several members of the Haroun family, including two children, Hedia and Mariam Haroun, and a third child, Jihad Khalbous. They were also named in the list of 28 civilians killed that was published by the VDC.¹⁰⁸

¹⁰⁶ Phone interview, 18 June 2015.

¹⁰⁷ Phone interview, 19 June 2015.

¹⁰⁸ See the VDC's website for list of casualties: <http://www.vdc-sy.info/index.php/en/martyrs/1/c29ydGJ5PWEua2lsbGVkX2RhdGV8c29ydGRpcj1ERVNdGfGfWcHJvdmVkpXZpc2libGV8ZXh0cmFkaXNwbGF5PTB8c3RhdHVzPTF8cHJvdmLuY2U9Mnxjb2RNdWx0aTOyfHNOYXJORGF0ZT0yMDE1LTA2LTE2fGVuZERhdGU9MjAxNS0wNi0xNnwzPURvdW1hfA> (accessed on 28 June 2015).



Ruins of a residential building in al-Masaken, destroyed by a Grad rocket fired by Syrian government forces on 16 June 2015.

Video footage filmed in the aftermath of the missile strike on al-Masaken that Amnesty International reviewed shows one building razed to the ground, Civil Defence workers pulling a girl from the rubble and others trying to free a man, his wife and a child who are buried, and bodies of victims in civilian clothes laid out on the ground.¹⁰⁹ No fighters or military targets are visible.

On the basis of the evidence available, therefore, the surface-to-surface missile strikes appear to have been direct attacks on civilians and civilian objects, or else indiscriminate attacks that killed and injured civilians, and thus to amount to war crimes.

MORTAR ATTACK ON ZIBDEEN

On 15 April, government forces fired mortars into Zibdeen, another area close to the front line in Hatitel al-Jaress, according to local people in contact with Amnesty International. Several mortar shells fell onto a public space in the centre of Zibdeen, killing 10 civilians,

¹⁰⁹ Barae Abd al-Rahman, "A father hears the voice of his child and wife from under the rubbles of a destroyed home in Douma following a massacre", posted on 16 June 2015, <https://www.youtube.com/watch?v=RF8CBuJAfPQ> (accessed on 29 June 2015); Qassioun News Agency, "Damascus suburbs: the location where the surface-to-air missile fell resulting in destruction in the city of Douma 16-6-2015", posted on 16 June 2015, <https://www.youtube.com/watch?v=uCn3MccJPWA> (accessed on 29 June 2015); Emad amen, "Syria Douma, removal of casualties from under the rubbles resulting from a surface-to-air missile 16-6-2015", posted on 16 June 2015, <https://www.youtube.com/watch?v=B1bGzz4nzz8> (accessed on 29 June 2015).

according to the VDC.¹¹⁰

Toufic, a local man who went to the strike site, told Amnesty International that he saw five dead and over 30 injured civilians there, including many children. He said:

*"I arrived at the site of the attack 15 minutes after the attack took place. After arriving the first thing I saw was at least 30 injured people waiting for cars and ambulances to transfer them to field hospitals in Deir al-Asafir. I saw five bodies lined up on the ground. They were all dressed in civilian clothes. Half of the people killed were children because they usually play in the public space in front of their homes."*¹¹¹

Toufic told Amnesty International that he personally knew all of the people killed in the strike and that he knew them to be civilians. He said that Hatitel al-Jaress, the closest front line, was about 350 metres away and that there were no fighters in Zibdeen when the attack took place.¹¹²

Fouad, an activist based in Deir Asafir, confirmed that approximately 25-30 injured from Zibdeen arrived at the field hospital in Deir Asafir on 15 April to be treated for injuries sustained from the mortar attack. Regarding their injuries and the deceased, he told Amnesty International:

*"60% of the injured, the majority of them children, required surgery and the rest were injured by shrapnel. From the 10 people that were killed, five died from their injuries and the rest at the time of the attack."*¹¹³

Amnesty International reviewed two videos posted on-line that show injured people, children and elderly, who had sustained head or other wounds from shrapnel.¹¹⁴ The available evidence indicates that the mortar fire appears to have been a direct attack on civilians and civilian objects, or otherwise an indiscriminate attack that killed and injured civilians, and thus to amount to a war crime.

¹¹⁰ See the VDC's website for list of casualties: <http://www.vdc-sy.info/index.php/ar/martyrs/1/c29ydGJ5PWEua2IsbGVkX2RhdGV8c29ydGRpcj1ERVNDfGFwcHJvdmVkpXZpc2libGV8ZXh0cmFkaXNwbGF5PTB8cHJvdmluY2U9Mnxjb2RNdWx0aT0yfHN0YXJORGFOZT0yMDE1LTAOLTE1fgVuZERhdGU9MjAxNS0wNCOxNXw> (accessed on 28 June 2015).

¹¹¹ Skype interview, 21 April 2015.

¹¹² Skype interview, 21 April 2015.

¹¹³ Skype interview, 24 April 2015.

¹¹⁴ See the post by Adam Al Shami on Facebook, https://www.facebook.com/2nasyrian/videos/vb.100002321124362/800048070082556/?type=3&theater&_mref=message (accessed on 29 June 2015); Jandark syr, "Zabdine-Eastern Ghouta-massacre-martyr and wounded by Assad gangs indiscriminate strikes 14/04/2015", posted on 15 April 2015, <https://www.youtube.com/watch?v=vO5a4Of8EiA> (accessed on 29 June 2015).

RETALIATORY ATTACKS BY NON-STATE ARMED GROUPS

Amnesty International has also reviewed videos published by YouTube accounts affiliated with non-state armed groups in Eastern Ghouta that show these groups shelling government-held territory concentrated with civilians neighbouring or near to Eastern Ghouta including with improvised mortars and rocket propelled grenades (RPGs). The Army of Islam has publicly stated in the media that some of the attacks have been carried out in retaliation for Syrian government attacks. Human Rights Watch has also documented attacks carried out by non-state armed groups in Eastern Ghouta, in particular the Army of Islam, that have resulted in civilian casualties in government-controlled areas of central Damascus and its suburbs.¹¹⁵

¹¹⁵ Human Rights Watch, *He Didn't Have to Die*, 23 March 2015, <https://www.hrw.org/report/2015/03/22/he-didnt-have-die/indiscriminate-attacks-opposition-groups-syria> (accessed on 28 June 2015).

UNDER SIEGE IN EASTERN GHOUTA: HUMANITARIAN CONDITIONS AND ACCESS

“I know and understand why I don’t have the luxury to eat meat, sweets and dairy products. But how do you explain that to a child?”

A resident of Douma

OVERVIEW

Living conditions for civilians who remain in besieged parts of Eastern Ghouta – estimated by OCHA in June 2015 to number 163,500¹¹⁶ – have continued to deteriorate as Syrian government forces have maintained and progressively tightened their siege of parts of the area, first begun in early 2013. Government forces are simultaneously restricting civilians from fleeing Eastern Ghouta, denying deliveries of basic goods like food, medication and fuel into Eastern Ghouta and stopping utility services there, and in some cases targeting aid workers. As a result, civilians in areas under siege in parts of Eastern Ghouta lack access to basic necessities and services, including electricity, water, food, fuel for heat, and medicine. Initially, when the siege first began in early 2013, government forces allowed civilians a degree of movement between Eastern Ghouta and areas of Damascus that they controlled, although those making the journey faced serious risks – including shooting by government snipers and arbitrary detention at military checkpoints.¹¹⁷

In August 2013, however, government forces closed the key crossing points at Mleha and Douma, and since then they have prevented civilians from leaving Eastern Ghouta through these routes but continued to allow some traders to bring agricultural and other produce out of Eastern Ghouta and to transport some food, fuel and other necessities into the besieged area until the Army of Islam seized control of the checkpoint from government troops in November 2014. In exceptional cases, two former residents were able to leave Eastern Ghouta in 2014 after paying a bribe to the Syrian government.

After the Army of Islam seized control of the Douma and al-Wafedine camp checkpoints in November 2014, it appears to have restricted the movement of civilians; one civilian was reportedly detained by the armed group when he requested permission to leave.

¹¹⁶ See UN Security Council, *Implementation of Security Council resolution 2139 (2014)*, 23 June 2015, <http://reliefweb.int/sites/reliefweb.int/files/resources/N1518578.pdf> (accessed on 20 June 2015), para. 48.

¹¹⁷ Amnesty International, *Updated briefing on sieges across Syria* (Index: MDE 24/023/2014), 12 June 2014, <https://www.amnesty.org/fr/documents/MDE24/023/2014/en/> (accessed on 10 July 2015).

In addition to restricting civilian movement, government forces have also restricted deliveries of goods needed for survival into Eastern Ghouta, only allowing sporadic transfers of food and other goods between government-controlled areas of Damascus and Eastern Ghouta through Douma.

Between 29 March 2014 and 6 May 2015, UN interagency convoys were only able to deliver food and non-food items to some 26,100 people; supplies of medicine to some 24,600 people; and 71,000 doses of antibiotics and medicine for combatting infectious diseases, 30,000 polo vaccinations, and 1,000 insulin doses.¹¹⁸ The provision of humanitarian relief was also fraught with further problems: in the same period, surgical supplies and injectable medicine intended for 70,000 people were reported to have “gone missing” from a relief convoy, been withheld from use or refused passage by government forces.¹¹⁹

As a result of the government’s restrictions on deliveries, residents have suffered from malnutrition and struggled to receive adequate medical care and fuel for electricity, to pump water, and heat homes.

Doctors who formerly worked in Eastern Ghouta and others who remain there complained to Amnesty International that they were unable to provide proper medical care, partly due to a general lack of medicines, surgical and other medical supplies, and because of a lack of fuel

¹¹⁸ UN Security Council, *Implementation of Security Council resolution 2139 (2014)*, 23 April 2014, <http://reliefweb.int/sites/reliefweb.int/files/resources/N1430558.pdf> (accessed on 20 June 2015). UN Security Council, *Report of the Secretary General on the implementation of Security Council resolution 2139 (2014)*, 20 June 2014, <http://reliefweb.int/sites/reliefweb.int/files/resources/N1443411.pdf> (accessed on 20 June 2015); UN Security Council, *Implementation of Security Council resolutions 2139 (2014) and 2165 (2014)*, 24 September 2014, <http://reliefweb.int/sites/reliefweb.int/files/resources/N1454423.pdf> (accessed on 21 June 2015); UN Security Council, *Implementation of Security Council resolutions 2139 (2014) and 2165 (2014)*, 23 October 2014, <http://reliefweb.int/sites/reliefweb.int/files/resources/N1458368.pdf> (accessed on 21 June 2015); UN security Council, *Implementation of Security Council resolution 2139 (2014), 2165 (2014) and 2191 (2014)*, 22 January 2015, <http://reliefweb.int/sites/reliefweb.int/files/resources/N1501761.pdf> (accessed on 20 June 2015); UN Security Council, *Implementation of Security Council resolutions 2139 (2014) and 2165 (2014)*, 17 April 2015, <http://reliefweb.int/sites/reliefweb.int/files/resources/N1510624.pdf> (accessed on 20 June 2015); UN Security Council, *Implementation of Security Council resolutions 2139 (2014) and 2165 (2014)*, 22 May 2015, <http://reliefweb.int/sites/reliefweb.int/files/resources/N1514671.pdf> (accessed on 20 June 2015).

¹¹⁹ UN Security Council, *Implementation of Security Council resolution 2139 (2014)*, 23 April 2014, <http://reliefweb.int/sites/reliefweb.int/files/resources/N1430558.pdf> (accessed on 20 June 2015); UN Security Council, *Report of the Secretary General on the implementation of Security Council resolution 2139 (2014)*, 20 June 2014, <http://reliefweb.int/sites/reliefweb.int/files/resources/N1443411.pdf> (accessed on 20 June 2015); UN security Council, *Implementation of Security Council resolution 2139 (2014), 2165 (2014) and 2191 (2014)*, 22 January 2015, <http://reliefweb.int/sites/reliefweb.int/files/resources/N1501761.pdf> (accessed on 20 June 2015).

to drive generators in the absence of electricity.¹²⁰ Doctors said that because Syrian government forces continue to prevent medical supplies from entering Eastern Ghouta, some supplies are smuggled in through underground tunnels, at considerable risk. According to the Syrian American Medical Society, 208 civilians died from either a lack of food or access to medical care in Eastern Ghouta between 21 October 2012 and 31 January 2015.¹²¹ Aid workers in Eastern Ghouta have also been subjected to attack by government forces. Doctors told Amnesty International that air strikes and shelling attacks have killed several volunteers and nurses and disrupted the operation of field hospitals.

Residents of Eastern Ghouta told Amnesty International that they believe the government is intentionally restricting their access to food and life-saving assistance to pressure the armed groups into surrendering. One resident, expressing a sentiment echoed by many, told Amnesty International, "We celebrated when the Syrian government was pushed out [of Eastern Ghouta] but we did not know that we would be besieged until the armed groups surrender. These days, with little if any food on our plate, I wish the armed groups would surrender."¹²²

Starving civilians as a method of warfare is prohibited, as is 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 authorized humanitarian relief personnel.¹²³ The parties must ensure that the wounded and sick are collected and cared for without adverse distinction.¹²⁴ Sieges that amount to collective punishment of the civilian population are prohibited.¹²⁵ Collective punishment and starving civilians by depriving them of objects indispensable to their survival constitute war crimes.¹²⁶

The people living in areas under siege in Eastern Ghouta face a similar plight to the many thousands of civilians who remain besieged – for the most part, by government forces – in

¹²⁰ Phone interview, 6 May 2015.

¹²¹ Syrian American Medical Association, "Slow Death: Life and Death in Syrian Communities Under Siege", March 2015, https://www.sams-usa.net/foundation/images/PDFs/Slow%20Death_Syria%20Under%20Siege.pdf (accessed on 22 June 2015).

¹²² Phone interview, 6 May 2015.

¹²³ ICRC Customary IHL Study, Rules 53-56.

¹²⁴ ICRC Customary IHL Study, Rules 109-110.

¹²⁵ ICRC Customary IHL Study, Rule 103.

¹²⁶ ICRC Customary IHL Study, Rule 156, pp. 599-601.

other parts of Syria, including Yarmouk and Daraya.¹²⁷

In February 2014, the UN Security Council sought to address deteriorating humanitarian conditions resulting from the conflict in Syria by unanimously adopting Resolution 2139. This called on all parties to the conflict to “immediately lift the sieges of populated areas, including in the Old city of Homs, Nubul and Zahra, Moadamiya, Yarmouk, Eastern Ghouta and other locations.”¹²⁸ The Resolution also demanded that parties to the conflict allow unfettered access by UN agencies and their implementing partners to deliver humanitarian assistance to civilians across Syria. The Syrian government and the armed groups engaged in conflict with it, however, failed to comply with the demands set out in Resolution 2139 and in July 2014 the Security Council adopted a new resolution, Resolution 2165; in addition to reaffirming the demands of Resolution 2139, this authorized UN agencies to deliver humanitarian assistance across Syria’s national borders without first obtaining permission from the Syrian government and across conflict lines within the country.

RESTRICTING CIVILIAN MOVEMENT

Residents, doctors, aid workers and activists have told Amnesty International that both the Syrian government and the Army of Islam prevent civilians from leaving Eastern Ghouta.

Between late 2012 and August 2013, civilians were able to move between central Damascus and Eastern Ghouta but ran the risk of being detained or shot at by government snipers. A doctor said government soldiers at the Mleha checkpoint had detained him as he sought to pass through it in February 2013 because his ID showed that he came from Eastern Ghouta.¹²⁹ He said they held him in a detention facility next to the checkpoint known as the “Nakhil Nightclub”, where he saw at least 200 other detainees, including women, children and elderly men. He said members of the Syrian security forces beat him when they learnt he

¹²⁷ According to the UN Tribune, “UN Unable to reach 420,000 Besieged in Syria”, 22 April 2015, <http://untribune.com/un-unable-to-reach-420000-besieged-in-syria> (accessed on 1 July 2015); OCHA defines a besieged area as “an area surrounded by armed actors with the sustained effect that humanitarian assistance cannot regularly enter, and civilians, the sick and wounded cannot regularly”. According to OCHA, 422,000 remain besieged in the Syrian Arab Republic, including 167,500 people besieged by Government forces in eastern Ghouta and Darayya; 26,500 people besieged by non-State armed groups in Nubul and Zahra; and 228,000 people besieged by ISIL in the Government-controlled western neighbourhoods of Deir ez-Zor city, UN OCHA, *Security Council Briefing on Syria*, 25 May 2014, <http://reliefweb.int/report/syrian-arab-republic/under-secretary-general-humanitarian-affairs-and-emergency-relief-8> (accessed on 20 June 2015). See Amnesty International, *Squeezing the life out of Yarmouk: War crimes against besieged civilians* (Index MDE 24/008/2014), 10 March 2014, <https://www.amnesty.org/en/documents/MDE24/008/2014/en> (accessed on 10 July 2015); Amnesty International, *Updated briefing on sieges across Syria* (Index: MDE 24/023/2014), 12 June 2014, <https://www.amnesty.org/fr/documents/MDE24/023/2014/en/> (accessed on 10 July 2015).

¹²⁸ UN Security Council Resolution 2165, 14 July 2014. The delivery of humanitarian aid across borders in Syria was renewed with UN Security Council Resolution 2191, 17 December 2014. <http://www.un.org/press/en/2014/sc11708.doc.htm> (accessed on 20 June 2015).

¹²⁹ Phone interview, 8 May 2015.

was a doctor, and accused him of supporting the Free Syrian Army.¹³⁰ He said they held him for a month before releasing him during a prisoner exchange.

In August 2013, government forces closed the three key crossing points at Mleha, Douma and the government-controlled al-Wafedine camp to most civilians. However, they continued to allow some traders to bring agricultural and other produce out of Eastern Ghouta and to transport some food, fuel and other necessities into the besieged area.

After the Army of Islam seized control of the Douma and al-Wafedine camp checkpoints in November 2014, they prevented most civilians including some traders from using this route. Some residents also told Amnesty International that residents who were able to bribe Syrian government forces to allow them to pass through their checkpoints were then barred from leaving by the Army of Islam and accused of supporting the government.

One resident told Amnesty International:

"I wish I could leave. My family and I have no food, water or electricity. The food aid from local organizations does not last more than a week or two. But even if I managed to bribe the Syrian authorities, Zahran Alloush's men [the Army of Islam] will never allow me to leave. People who tried to request permission from the Army of Islam to allow them to leave were arrested as a result."¹³¹

Abdullah, a local resident, told Amnesty International in June 2015 that a close relative of his had been detained by members of the Army of Islam because he asked for permission to leave Eastern Ghouta with his family, and was only released after being held for two months and accused of supporting the Syrian government.¹³²

Residents who remained in Eastern Ghouta as access routes out of the area were becoming more and more restricted told Amnesty International that they chose to stay behind because they had nowhere else to go, but that they would have left if they had known the dire conditions the Syrian government would subject them to. They raised concerns that access out of the area may become more difficult if the Army of Islam continues to impose restrictions on movement of civilians.

The restrictions on civilian movement extend to the sick and injured except in exceptional cases. One surgeon working in Eastern Ghouta told Amnesty International:

¹³⁰ Phone interview, 8 May 2015.

¹³¹ Phone interview, 19 June 2015.

¹³² Phone interview, 16 June 2015.

*"I saw people dying in the hospital because we had no capacity to help them. In other areas in Syria, doctors send critical cases to Turkey, Jordan or Lebanon and attend to the rest. The doctors there are able to save more lives than we do. But in our case we are trapped and the injured and the ill are paying that price."*¹³³

Ibrahim, a local resident who left Eastern Ghouta in August 2014, told Amnesty International that he was one of the lucky wounded who managed to smuggle himself out of the area and into Lebanon for treatment:

*"A rocket attack injured my leg. Doctors had to put several screws on my knees but it got worse. I paid a lot of money to leave Eastern Ghouta. I received medical care in Lebanon and my leg is better. I am one of the lucky ones but for many other people in need of medical care their chances of survival is slim if they remain under siege."*¹³⁴

While the government's general practice has been to not allow civilians safe passage out of Eastern Ghouta, in some cases they have made exceptions.

For example, the government has allowed baccalaureate students in Eastern Ghouta to leave to sit exams in central Damascus. The government allowed this in 2013 and 2014, but in 2015 the Army of Islam reportedly blocked students from doing so. Saed, a resident of Douma, said that, while students could leave Eastern Ghouta to sit for their exams in 2013 and 2014, in 2015 he saw a message pinned to the door of a mosque advising students that they would not be allowed to do so.¹³⁵ A media report also reported that the Army of Islam had prevented a thousand students from leaving Eastern Ghouta to sit their exams in May 2015.¹³⁶

In an earlier incident, in December 2014, the Syrian government and the Army of Islam agreed to permit civilians to leave Eastern Ghouta, but their forces only allowed some civilians to leave, and committed abuses against others who tried to do so.

¹³³ Phone interview, 11 June 2015.

¹³⁴ Interview in Lebanon, 25 May 2015.

¹³⁵ Phone interview, 18 June 2015.

¹³⁶ Arabs Today, "The Army of Islam prevents Eastern Ghouta Students from sitting for their general exams", 16 May 2015, <http://www.arabstoday.net/education/pagenews/%D8%AC%D9%8A%D8%B4-%D8%A7%D9%84%D8%A5%D8%B3%D9%84%D8%A7%D9%85-%D9%8A%D9%85%D9%86%D8%B9-%D8%B7%D9%84%D8%A7%D8%A8-%D8%A7%D9%84%D8%BA%D9%88%D8%B7%D8%A9-%D8%A7%D9%84%D8%B4%D8%B1%D9%82%D9%8A%D8%A9-%D9%85%D9%86-%D8%AA%D9%82%D8%AF%D9%8A%D9%85-%D8%A7%D9%85%D8%AA%D8%AD%D8%A7%D9%86%D8%A7%D8%AA-%D8%A7%D9%84%D8%B4%D9%87%D8%A7%D8%AF%D8%A9-%D8%A7%D9%84%D8%B9%D8%A7%D9%85%D8%A9.html> (accessed on 1 July 2015).

In all Syrian government forces and the Army of Islam have permitted some 9,000 civilians to evacuate from Eastern Ghouta since the siege began.¹³⁷ Most have been children or elderly people. According to an international humanitarian organization, the Syrian government separated men and boys from the rest of the families for investigation, following a pattern set when civilians evacuated from Homs in May 2014.¹³⁸ Those evacuated from Eastern Ghouta reportedly told UN representatives that the armed groups in Eastern Ghouta were also responsible for a range of human rights abuses, including: "the forced recruitment of minors; the separation of families owing to reported screening of evacuated males; an unsafe evacuation route owing to the presence of snipers; and the loss of personal documentation and identity documents, as well as the confiscation of identity documents by non-state armed groups at checkpoints."¹³⁹

Mohammed, a local activist, who remains in Eastern Ghouta, told Amnesty International:

*"I prefer to live under siege with no quality of life than to live in the al-Wafedine camp controlled by the Syrian authorities. In any case, few people have managed to be allowed to evacuate and even if I wanted to the Army of Islam will not allow me to. So I am trapped by two oppressors."*¹⁴⁰

RESTRICTING ACCESS TO MEDICAL CARE

Medical care in Eastern Ghouta has deteriorated significantly as the siege continues and the government persists in not allowing supplies into the area, according to doctors in the area in contact with Amnesty International. Locals have developed some coping mechanisms including the use of smuggling routes and local manufacturing of some, albeit inferior, medical products, but the wounded and injured continue to suffer from inadequate access to essential medical care.

Doctors have said they urgently need antibiotics, anaesthetics, and painkillers to treat the sick and wounded, and dialysis medicines and equipment for those suffering kidney disease. They have also complained of a lack of surgical goods and equipment to treat people injured by bombings and other attacks. One surgeon working in Eastern Ghouta told Amnesty International:

"We are bombarded on a daily and hourly basis. In Douma, on average, we receive at

¹³⁷ UN Security Council, *Implementation of Security Council resolutions 2139 (2104), 2165 (2014), and 2191 (2014)*, 19 February 2015, <http://reliefweb.int/sites/reliefweb.int/files/resources/N1504603.pdf> (accessed on June 20 2015).

¹³⁸ Interview in Lebanon, 2 June 2015; Amnesty International, *Updated briefing on sieges across Syria* (Index: MDE 24/023/2014), 12 June 2014, <https://www.amnesty.org/fr/documents/MDE24/023/2014/en/> (accessed on 10 July 2015).

¹³⁹ UN Security Council, *Implementation of Security Council resolutions 2139 (2104), 2165 (2014), and 2191 (2014)*, 19 February 2015, <http://reliefweb.int/sites/reliefweb.int/files/resources/N1504603.pdf> (accessed on 20 June 2015).

¹⁴⁰ Skype interview, 5 May 2015.

least 30-40 injured people from attacks. We do not have enough surgical supplies, medicine or doctors as a result I saw people dying in the hospital because we had no capacity to help them."¹⁴¹

Doctors who spoke to Amnesty International also expressed concern about the lack of medicine to treat communicable diseases that have become more prevalent during the siege, such as hepatitis A, tuberculosis, myiasis, scabies, and lice. According to doctors Adnan and Qassem, hepatitis A and myiasis infections first emerged in 2014 during the harshest months of the siege¹⁴² and doctors lacked sufficient medicines to treat them, so instead advised patients to iron or steam their clothes before wearing them as a preventive measure.¹⁴³ Tuberculosis is a growing problem. Adnan, a former doctor in Eastern Ghouta, said that 104 cases of tuberculosis had been diagnosed in 2014 and that the Syrian Arab Red Crescent had managed at the end of 2014 to bring in some drugs to treat it but Eastern Ghouta's field hospitals remained desperately short of medicines and related supplies.¹⁴⁴ In the absence of regular medical supply deliveries, since late 2014 some medical supplies have been brought in through underground tunnels built and controlled by armed groups, three doctors told Amnesty International. A doctor based Kafr Batna told Amnesty International, "The Syrian government does not allow any surgical supplies to enter into Eastern Ghouta so we rely on the underground tunnels. If we are lucky enough, the Syrian government may once per year allow the Syrian Red Crescent to bring surgical and medical supplies in."¹⁴⁵

High prices are charged for these smuggled medicines, however, making it very difficult for those suffering from chronic illnesses, such as cancer, heart or liver disease to afford treatment.

Some efforts, albeit limited, are also being made to source supplies locally when possible. In mid-2015, one factory in Eastern Ghouta was continuing to make some basic medical supplies, such as painkillers, though of low quality. Qassem, a doctor and a member of the Unified Medical Office in Eastern Ghouta, told Amnesty International, "for example, we need titanium knee screws for people injured by attacks. We don't have these screws so we manufactured some but they are not titanium and sometimes they cause infections but it is better than not having the screws."¹⁴⁶

Compounding matters, the number of medical professionals in Eastern Ghouta has dwindled significantly. Doctors and volunteers complained of a lack of medical specialists among the around 150 doctors who remain in Eastern Ghouta, most of whom were still medical

¹⁴¹ Phone interview, 11 June 2015.

¹⁴² Phone interview, 7 May 2015; phone interview, 9 May 2015.

¹⁴³ Phone interview, 7 May 2015.

¹⁴⁴ Phone interview, 7 May 2015.

¹⁴⁵ Phone interview, 11 June 2015.

¹⁴⁶ Phone interview, 9 May 2015.

students. In mid-2015, the only medical specialists who remained in Eastern Ghouta were reported to be: one cardiovascular surgeon, three orthognathic surgeons, three general surgeons, one paediatrician, and around five orthopaedic surgeons.¹⁴⁷ According to Qassem, "Many doctors were arrested in 2012 [by the Syrian government] due to their medical activities, which encouraged hundreds of doctors to leave Eastern Ghouta out of fear of being arrested."¹⁴⁸

ATTACKS ON MEDICS, FIRST RESPONDERS AND AID WORKERS

Since October 2012, Syrian government air strikes have destroyed or damaged at least 10 hospitals or other medical facilities in Eastern Ghouta, killing at least 20 doctors and other medical workers and destroying vital medical equipment and supplies, according to local monitoring groups and Physicians for Human Rights. According to the Unified Medical Office in Eastern Ghouta and the VDC at least four volunteer aid workers were killed in Douma and Harasta by sniper attacks or air strike attacks while on duty.¹⁴⁹

According to the Syrian Network for Human Rights (SNHR), nine field hospitals and medical points were destroyed or damaged between January and June 2015.¹⁵⁰ A surgeon told Amnesty International that he was severely injured during two air strikes on a hospital in Douma in August 2014 and February 2015.¹⁵¹ He added that between August 2014 and May 2015 at least six of his medical team were killed by air strikes or shelling attacks in Douma alone and more were killed in Arbeen and Haratsa.¹⁵² According to Médecins Sans Frontières the work of medical workers and ambulance drivers is constantly threatened by air and ground attacks as they respond to the bombings in Eastern Ghouta.¹⁵³ Farah, an aid worker, said that in April 2015 she and several colleagues travelling in the same car were injured in an attack by government planes on Zamalka, an area close to the front line between government forces and non-state armed groups.¹⁵⁴ They were on their way to deliver food parcels to families in need at the time of the strike.

According to OCHA and local people, on 24 May 2014, an aid convoy was not able to distribute supplies in Eastern Ghouta due to an attack on a humanitarian warehouse in Douma killing several people and wounding one Syrian Arab Red Crescent (SARC)

¹⁴⁷ Phone interview, 11 June 2015.

¹⁴⁸ Phone interview, 8 May 2015.

¹⁴⁹ Email correspondence with the Unified Medical Office in Eastern Ghouta, 29 May 2015.

¹⁵⁰ Email correspondence with the Syrian Network for Human Rights, 22 July 2015.

¹⁵¹ Phone interview, 11 June 2015.

¹⁵² Phone interview, 11 June 2015.

¹⁵³ Médecins Sans Frontières, "Syria: Ambulances drivers' lives at stake as they struggle to respond to bombing in Ghouta", 11 February 2015, <http://www.msf.org/article/syria-ambulance-drivers-lives-stake-they-struggle-respond-bombing-ghouta> (accessed on 16 July 2015).

¹⁵⁴ Skype interview, 17 June 2015.

volunteer.¹⁵⁵ In another case, one female volunteer died when a Syrian Arab Red Crescent convoy was shelled on 6 May.¹⁵⁶ OCHA did not specify who carried out the attacks.

Under international humanitarian law, medical and humanitarian relief personnel and medical transports must be respected and protected.¹⁵⁷ Making medical or humanitarian relief personnel the object of attack are war crimes.¹⁵⁸

WAR ECONOMY

The “war economy” that now exists in Eastern Ghouta is run by “warlords”, including smugglers and other traders, members of armed groups and Syrian government officials – local residents, doctors and others have told Amnesty International. They accuse the Army of Islam, on the one side, and the Syrian government’s Presidential Guard and Air Force Intelligence, on the other, of profiting from the siege and fuelling runaway prices for food, medication, fuel, and other items.

Residents, aid workers and activists told Amnesty International that those with good connections to the Syrian government and the armed groups used them to bring in food, fuel, and medicine by paying bribes to the fighters manning checkpoints. The goods they bring in are then sold at greatly inflated prices.

Making matters worse, the Army of Islam have also sought to benefit from the trade by imposing informal taxes and duties, with the result that the price of foodstuffs, fuel, medicines and other necessities has become more and more unaffordable.

One father of five told Amnesty International that his family relies on food aid because they are now too poor to buy anything other than vegetables and yoghurt.¹⁵⁹ Fadi, who suffers from diabetes, said that he needed insulin on a daily basis but local hospitals had no stocks and he could obtain it only from a smuggler able to obtain supplies from central Damascus, but that paying the smuggler took all his money.¹⁶⁰

RESTRICTIONS ON FOOD DELIVERIES

Ten current and former residents and aid workers in besieged Eastern Ghouta told Amnesty

¹⁵⁵ UN OCHA, *Security Council Briefing on Syria*, 25 May 2014, <http://reliefweb.int/report/syrian-arab-republic/under-secretary-general-humanitarian-affairs-and-emergency-relief-8> (accessible on 20 June 2015).

¹⁵⁶ UN Security Council, *Implementation of Security Council resolutions 2139 (2014) and 2165 (2014)*, 22 May 2015, <http://reliefweb.int/sites/reliefweb.int/files/resources/N1514671.pdf> (accessed on 20 June 2015).

¹⁵⁷ ICRC Customary IHL Study, Rules 28, 29 and 31.

¹⁵⁸ ICRC Customary IHL Study, Rule 156, pp. 593 and 597.

¹⁵⁹ Phone interview, 20 May 2015.

¹⁶⁰ Phone interview, 16 June 2015.

International that Syrian government forces began restricting food deliveries to the area's inhabitants in March 2013 as the armed groups opposing the government took control of Douma and other local population centres. From March 2013 to April 2014, the government forces allowed smugglers to transport foodstuffs into the besieged part of Eastern Ghouta in return for payment; the smugglers then sold these foodstuffs to Eastern Ghouta residents at hugely inflated prices that many could not afford.

Amnesty International interviewed a supplier responsible for delivering food and non-food items to Douma via the al-Wafedine camp supply route. He explained how the process worked:

"I started bringing food and non-food items into Douma from the al-Wafedine camp in 2013. In mid-2014, the Syrian government closed the al-Wafedine camp checkpoint and refused to sell us anything. This lasted for a couple of months before they reopened the checkpoint at the end of 2014 for suppliers. To leave Douma I need to pass by a non-state armed group checkpoint then I drive for a couple of minutes passing by an area that is not controlled by anyone. Then I pass by three checkpoints controlled by the Air Force Intelligence and State Security forces. I reach al-Wafedine camp where I buy the food. I do not leave the truck. Two women with me in the car transfer the food and non-food items to the truck and pay the security forces. For every item I pay a price equivalent to eight or 10 times the price in central Damascus."¹⁶¹

Given the highly inflated prices, for most of 2013, residents relied on such food reserves as they had and food items, such as vegetables and dairy goods that they were able to produce locally – Eastern Ghouta is a fertile agricultural area. But residents said they only had enough to eat one meal a day, with food reserves depleting. Conditions became even more difficult, residents said, between April and October 2014, after Syrian government forces closed the last two access routes into Eastern Ghouta from Mleha and al-Wafedine camp, preventing smugglers bringing food in, a situation exacerbated by power shortages which prevented local factories processing dairy goods. Residents said their diets were restricted to vegetables and locally produced apricot juice. Two people who spoke to Amnesty International said they left Eastern Ghouta in August and September 2014 because they had run out of food and were no longer able to survive.

Ibrahim, one of them, said:

"In 2012, the Syrian government occasionally allowed women to bring food in but as the armed opposition groups gained control of more areas the authorities started sporadically confiscating the food and sometimes shooting at whoever is leaving or entering Eastern Ghouta. By April 2013, you were not allowed to take any food into Eastern Ghouta. Security forces would beat women and men when they found bread or vegetables hidden in the boot of the car or under clothes. As I passed by a checkpoint, I remember seeing food piled up and people being beaten up or humiliated. The Syrian authorities did not allow any bread, vegetables, fruits, pasta, sugar or eggs to enter. The bakeries were running out of flour. Smugglers were buying the food from the Syrian government and

¹⁶¹ Phone interview, 24 June 2015.

selling it at very high prices. For example, between March and July 2013, the price of bulgur [wheat] increased from 25 to 300 Syrian pounds. In April 2014, the real misery began when the Syrian authorities closed all access routes even for smugglers. I survived on apricot juice, damaging my teeth, until I was able to leave."¹⁶²

Ibrahim said that he had heard from residents who remained that from the end of 2014 Syrian government forces again started allowing smugglers to take food items into Eastern Ghouta from al-Wafedine camp.¹⁶³

Fatima, a former aid worker, said:

*"I left in September 2014 because there was no more food. I had no money to buy anything and the feeling of starvation mentally and physically exhausted me. We had no food aid to distribute. The Syrian government only allowed smugglers to bring food into Ghouta starting in April 2013. The smugglers sold the food for very high prices which I could not afford. People were starving. I lived on vegetables. I know people who spent days without any food. The bread factories shut down because they ran out of flour. We had no beans and people who had sheep were the only ones eating meat. As for me and other people we did not. I lost a lot of weight. I was feeling weak and this affected my health."*¹⁶⁴

Marwan, a local resident of Jesrine, said he had lost more than 15kg in weight due to the siege conditions and constantly felt physically fatigued:

*"I had to feed my four kids and my wife. I had to spend days without food so my family can at least eat once a day. Before the siege, I had money and a well-paid job but now I have nothing. People living outside of Eastern Ghouta think that since food is entering it means that we are eating but in fact we can't afford it. What will it take for the United Nations to do something about it? Is starvation the only answer?"*¹⁶⁵

Two local aid workers told Amnesty international that they received financial donations from people living in central Damascus to pay smugglers to bring food in through either al-Wafedine checkpoint or underground tunnels that the armed groups had dug. Fatima said that many residents could not afford to buy even basic foodstuffs, such as fruit, bulgur wheat, and rice due to their prohibitive costs. Marwa, an aid worker based in Douma, said that local groups could not buy any food in mid-2014 because government forces had closed all supply routes and the tunnels being constructed by armed groups were not ready for use. She said: "Families rely on us [local organizations] to provide them with food but we do not have sufficient amount of aid to regularly cover the needs of all families. Some families

¹⁶² Skype interview, 3 June 2015.

¹⁶³ Interview in Lebanon, 25 May 2015.

¹⁶⁴ Skype interview, 16 June 2015.

¹⁶⁵ Phone interview, 18 June 2015.

spend days without food.”¹⁶⁶

Amnesty International reviewed four videos provided by a local aid organization of interviews it conducted with residents earlier this year, in which they say how hard they have found it to exist for months without bread, bulgur wheat, dairy goods and meat, and how they need the support of local aid groups to survive. One woman could be seen to break into tears as local aid workers provided her with a ration pack for her family comprising small quantities of bread, olives, cooking oil, pasta, rice, bulgur wheat, flour, cheese, tea, and sugar.¹⁶⁷ Another video shows an elderly woman lying in bed telling a local aid worker “I am thankful that I have gotten to eat an orange again before I die.”¹⁶⁸ The elderly woman, a resident of Zamalka who had terminal cancer, died in 12 March, one week after the video was taken, a local aid worker told Amnesty International.

Farah, a local aid worker, told Amnesty International that the number of women and children begging on the streets of Zamalka and Arbeen has greatly increased since 2014.¹⁶⁹ In a video reviewed by Amnesty International, seven children between the ages of six and 11 told the aid worker that they no longer wished to beg or sell food in the streets.¹⁷⁰ Abdullah, 11, said he wished to go to school and learn the teachings of the Qur'an rather than work on the street; while Mariam, a girl aged eight, said a man had once tried to kidnap her as she sold sweets in the street. The children said that they were paid between 30 and 125 Syrian pounds each day to work on the streets and that they faced daily verbal abuse from passers-by.

Mustapha, a local aid worker, told Amnesty International that, prior to the conflict, Eastern Ghouta was the main source of agricultural, meat and dairy products in Central Damascus. Mustapha added that siege did not stop the Syrian government from continuing to supply Central Damascus markets with products from Eastern Ghouta. He said:

“Between March and October, farmers harvest the agricultural products produced in the fields of Eastern Ghouta. Traders buy the harvest from the farmers at a low price sometimes at cost price so farmers barely make any profits. The traders sell the agricultural products to the Syrian authorities in exchange for food and non-food supplies such as rice, bulgur, sugar, fuel etc... The Syrian government rips off the traders and the farmers because they buy extremely cheap agricultural products and sell

¹⁶⁶ Email correspondence with local aid worker, 29 June 2015.

¹⁶⁷ Video provided by local aid worker who wishes to remain anonymous. The video was filmed on 28 March 2015.

¹⁶⁸ Video provided by local aid worker who wishes to remain anonymous. The video was filmed on 6 March 2015.

¹⁶⁹ Skype interview, 16 June 2015.

¹⁷⁰ Video provided by local aid worker who wishes to remain anonymous. The video was filmed on 28 May 2015.

food supplies for a price five or eight times that of central Damascus prices."¹⁷¹

Adnan, a former doctor in Eastern Ghouta, told Amnesty International that during the summer the Syrian government needed the agricultural supplies so they allowed traders to buy food items and non-food items such as fuel.¹⁷² He added that during the winter the land did not produce any agricultural products; therefore, the Syrian government stopped the flow of food items to Eastern Ghouta impacting the work of aid workers and consequently the families who rely on the aid.

Residents, aid workers and activists also told Amnesty International that the Army of Islam seeking to profit from the war economy was also part of the problem. Several peaceful protesters demonstrated against the Army of Islam in Eastern Ghouta between November 2014 and June 2015 calling on the commanders to reduce the price of goods.¹⁷³ For example, on 19 June, a group of women protested in front of a detention centre run by the Army of Islam calling from the armed group to release arbitrarily detained men and to reduce the price of food and non-food items.¹⁷⁴

Ibrahim, a former local resident, told Amnesty International, "The Army of Islam is an accomplice to the Syrian government. They are both the reason why we, the people, of Eastern Ghouta are suffering."¹⁷⁵ Farah, a local aid worker, said that people cannot afford the food not only because of the Syrian government's siege but also because of the non-state armed groups controlling market prices.¹⁷⁶ She said, "It is not fair that fighters and their families have food to eat when the people who support them have nothing to eat." Abdullah, an activist based in Douma, told Amnesty International:

"Since the end of 2014, the Army of Islam has controlled the supply route from al-Wafedine camp and Ajnad al-Sham, the underground tunnels in Harasta. The Army of Islam is responsible for regulating the prices. During the winter, the Army of Islam collects most of the food supplies from the market, increasing the prices threefold. You sleep one night and wake up the next day to find there is no food and prices are high.

¹⁷¹ Skype interview, 23 June 2015.

¹⁷² Skype interview, 7 May 2015.

¹⁷³ ShaamNetwork, "Damascus suburbs Eastern Ghouta residents protest against the inflation of price", posted on 26 November 2014, <https://youtu.be/jLASKJNTTozA> (accessed on 25 June 2015); El Dorar, "Eastern Ghouta between Assad's hammer and anvil of corruption", 9 January 2015, <http://eldorar.com/node/67233> (accessed on 20 June 2015); Syria-News, "Protest in Saqba calling from the Army of Islam to release all prisoners and holds them responsible for the inflation of prices", 30 May 2015, http://syria-news.com/readnews.php?sy_seq=179764 (accessed on 20 June 2015).

¹⁷⁴ Doma doma 15, "Women from Douma try to enter one of the detention centres where their sons are held by the Army of Islam", posted on 19 June 2015, <https://www.youtube.com/watch?v=s7zAFnbYRXM&feature=youtu.be> (accessed on 25 June 2015).

¹⁷⁵ Interview in Lebanon, 25 May 2015.

¹⁷⁶ Skype interview, 3 June 2015.

*The Army of Islam in collaboration with suppliers store food and non-food items in warehouses. During the summer the prices go down because people rely on agricultural products.*¹⁷⁷

The supplier asserted that the Army of Islam is also responsible for controlling the fluctuation of prices. He told Amnesty International:

*“Yes, the Syrian government sells the supplies for a very high price but when I go back to Eastern Ghouta I have to stop at the Army of Islam checkpoint in Douma. The Army of Islam buys the food from me at low prices. I make some profit but not much. They store the food in warehouses and control the supply to the market and set the prices. The only thing they don't buy from me is cigarettes. That I can sell to shops directly. In terms of prices and supply, the situation was much better when Abu Ali Khbaya Brigade controlled the access route to the al-Wafedine camp before the Army of Islam. Now we need a signed permit from the Army of Islam to bring in food items.”*¹⁷⁸

RESTRICTING ACCESS TO ELECTRICITY, FUEL, GAS AND WATER

Syrian government forces cut off electricity to Eastern Ghouta in November 2012. Since then the inhabitants have had to rely on local generators which run on diesel to produce the power needed to run hospitals, operate bakeries and other vital services, and provide power for residents' homes.

However, since March 2013, the government forces besieging Eastern Ghouta have also barred the entry of most fuel, only allowing limited amounts to be smuggled in in return for bribes, residents told Amnesty International. This fuel is then sold at prohibitively expensive prices for most residents, to factory owners, fighters and others wealthy enough to pay the high costs demanded.

Cutting electricity supplies to Eastern Ghouta also disrupted water supplies for those without a generator as water is electrically pumped into household water tanks, usually located on the roofs of residential buildings. Residents said drinking water remained accessible from the al-Fiji spring until April 2014, when a counter-offensive by Syrian government forces at Mleha cut the supply. Local councils then dug wells to access groundwater but in some areas the water extracted was contaminated with sewage or other toxins and unfit to drink.

¹⁷⁷ Phone interview, 19 June 2015.

¹⁷⁸ Phone interview, 24 June 2015.



Children pumping groundwater amid the ruins of a destroyed building in the al-Masaken neighbourhood in June 2015.

Some residents said that they purchased electricity from people who had their own generators in order to pump water into household tanks for a short period each but doctors, aid workers and others told Amnesty International that many families could no longer afford to buy electricity supplies from private generators and have been reduced to using buckets to collect ground water.

Saed, a local resident in Douma, told Amnesty International:

“I pay 1,300 Syrian pounds per week for one ampere of electricity consumption in Douma. The generator is run for an hour and a half per day only. I cannot afford to buy more amperes and the owner of the generator cannot give us electricity all day long because there is no fuel. Once a week the pumps work on the generator to fill tanks with groundwater but I have to pay for that. My neighbour can't afford paying for electricity so he doesn't have any and fills buckets with groundwater and carries it home.”¹⁷⁹

Residents also said that because of the limited availability and high cost of fuel in Eastern Ghouta, where the price is said to be triple that paid in central Damascus, one of the biggest challenges they face is to stay warm in winter, when temperatures in Syria can fall to freezing. Fatima, an aid worker, told Amnesty International: “For some people, staying warm is a luxury. 90% of people cannot afford paying for fuel so they find other means to stay warm, such as melting plastic and burning wood, which carry high health risks and

¹⁷⁹ Phone interview, 18 June 2015.

hazards."¹⁸⁰ Wael, a resident of Jesrine, said: "I was injured by an air strike in Douma few months ago. It is very hard and painful for me to chop wood and carry it to my house to keep my four children warm. Instead, I burn whatever material I can find but that only lasts for few hours."¹⁸¹

IMPACT ON WOMEN

Women, particularly widows and women whose husbands are disabled or have been wounded, have been especially hard hit by the siege conditions, four local aid workers told Amnesty International. As their families' sole breadwinners, such women face many difficult circumstances. Farah, an aid worker, told Amnesty International that women bear the responsibility for keeping their children warm and providing food and water.¹⁸² As a result, she added, women chop trees because they can't afford to buy wood, cook by burning plastic, and inhale the fumes, because they have no electricity, and carry groundwater in buckets to their homes.¹⁸³

Mona, a resident of Kafr Batna, told Amnesty International:

"I am a widow with two children. I cannot afford to buy food. I rely on food aid when it is available. In 2014, food aid was significantly reduced so I had to beg for food and money. Even though I receive aid, we eat once a day. If we have no aid, we live on yoghurt and barely any bread. I also try to provide wood to warm the house and cook. But in the winter it is very hard to find wood and carry it home. I use plastic instead. I burn the plastic to stay warm and to cook but the smell is horrible. As soon as my children inhale the smoke they start coughing. Wood is much better than plastic. Every day I have to fill two buckets with groundwater and carry it two floors up. I am not the only woman in this situation. There are many more suffering from the same difficulties but we have no other choice."¹⁸⁴

Women have also been forced to beg on the streets to survive, because they cannot find work and have no other income.¹⁸⁵ Others who have lost their homes in air strikes or other attacks have been taken in by relatives or live in partially constructed buildings that often lack windows or doors. Ahmed, an activist, told Amnesty International of a woman who, along with her three children, shelters in a rubbish bin in Jesrine because their house was destroyed by an air strike and keeps warm by burning bits of plastic.¹⁸⁶ Bassima, a volunteer at a clinic in Douma, said that about two thirds of people in need of medical care are women, with many suffering from anaemia, cancer, and weakened immune systems due to lack of food and the stressful nature of daily life.¹⁸⁷ Medicines are also in short supply; some are produced locally but they are poor quality, Bassima said. Rasha, who was pregnant with her first child when she spoke to Amnesty International, said her doctor had

¹⁸⁰ Skype interview, 16 June 2015.

¹⁸¹ Phone interview, 20 May 2015.

¹⁸² Skype interview, 3 June 2015.

¹⁸³ Skype interview, 3 June 2015.

¹⁸⁴ Skype interview, 18 June 2015.

¹⁸⁵ Phone interview, 20 June 2015.

¹⁸⁶ Phone interview, 28 April 2015.

¹⁸⁷ Facebook messaging, 17 June 2015.

prescribed special supplements but she had access only to what was produced in Eastern Ghouta.¹⁸⁸ One doctor, Adnan, told Amnesty International of his concern that expectant mothers who suffered from poor nutrition, anxiety and breathed in smoke and dust from buildings damaged in air attacks were giving birth prematurely or to babies with birth defects.¹⁸⁹

Many women also do not have access to sanitary pads, because of the high prices charged for those that are available, and so construct their own by sewing together pieces of cloth, according to both Farah and Bassima.

¹⁸⁸ Phone interview, 16 June 2015.

¹⁸⁹ Skype interview, 7 May 2015.

DISREGARD FOR INTERNATIONAL LAW

INTERNATIONAL HUMAN RIGHTS LAW

International human rights law - including civil and political, and economic, social and cultural rights – applies during times of peace and during periods of armed conflict, and is legally binding on all states, their armed forces and other agents. It establishes the right of victims of serious human rights violations to remedy, including justice, truth and reparations. Syria is a party to several key International treaties: 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 (CRC). Syria is legally bound by its obligations under these international treaties, as well as by relevant customary international law. The International Court of Justice as well as the UN Human Rights Committee (the body established to oversee application of and to interpret the provisions of the ICCPR) have affirmed that international human rights law applies in times of armed conflict as well as in peacetime.

Of particular relevance to the situation addressed in this report are Syria's international human rights law obligations related to the right to life, to liberty and security of person, and the right to freedom of movement.¹⁹⁰ In the context of pursuing the siege of Eastern Ghouta, the conduct of Syrian government forces has also breached Syria's legal obligations to respect, protect and promote the right of all persons to an adequate standard of living, including adequate food and housing and the enjoyment of the highest attainable standard of physical and mental health.¹⁹¹ The Syrian government has also taken actions aimed towards or likely to result in the destruction or impairment of infrastructure necessary for the enjoyment of these rights, such as hospitals.

INTERNATIONAL HUMANITARIAN LAW

International humanitarian law, also known as the laws of war or the laws of armed conflict, contains the rules and principles that seek to protect primarily those who are not participating in hostilities, notably civilians, but also certain fighters, including those who are wounded, captured, or surrendered (*hors de combat*), who are no longer directly participating in hostilities.¹⁹² It applies only in situations of armed conflict and its rules are binding on all parties to a conflict, whether state forces or non-state armed groups. International humanitarian law sets out standards of humane conduct and limits the means and methods

¹⁹⁰ ICCPR, Articles 6, 9 and 12.

¹⁹¹ ICESCR, Articles 11 and 12.

¹⁹² International Committee of the Red Cross (ICRC), *Syria: ICRC and Syrian Arab Red Crescent maintain aid effort amid increasing fighting*, 17 July 2012, <https://www.icrc.org/eng/resources/documents/update/2012/syria-update-2012-07-17.htm> (accessed on 30 June 2015).

of conducting military operations. Its central purpose is to limit, to the extent feasible, human suffering in times of armed conflict.

Syria is a state party to the four Geneva Conventions of 12 August 1949 and their Additional Protocol relating to the Protection of Victims of International Armed Conflicts (Protocol I), of 8 June 1977. Article 3 common to the four Geneva Conventions applies to all parties to non-international armed conflicts, such as that currently in progress in Syria. Many of the specific rules included in these and other international humanitarian law treaties – and all the rules cited in this report – form part of customary international humanitarian law and are thus binding on all parties to any conflict, including Syrian armed and security forces and non-state armed groups.¹⁹³ Violations of many of these rules may amount to war crimes. A fundamental rule of international humanitarian law is that parties to any conflict must at all times “distinguish between civilians and combatants”, especially in that “attacks may only be directed against combatants” and “must not be directed against civilians.”¹⁹⁴ A similar rule requires parties to distinguish between “civilian objects” and “military objectives.” These rules are part of the fundamental principle of distinction.

Intentionally directing attacks against civilians not taking direct part in hostilities or against civilian objects is a war crime.¹⁹⁵ The principle of distinction also includes a specific rule that “acts or threats of violence the primary purpose of which is to spread terror among the civilian population are prohibited.”¹⁹⁶ The corollary of the rule of distinction is that “indiscriminate attacks are prohibited.”¹⁹⁷ 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.¹⁹⁸

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 minimize incidental

¹⁹³ Red Cross study, Customary International Humanitarian Law: Volume 1: Rules, J-M Henckaerts and L Doswald-Beck, eds, 2005 (ICRC Customary IHL Study).

¹⁹⁴ ICRC Customary IHL Study, Rule 1. See also Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), Article 48, and Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), Article 12(2).

¹⁹⁵ ICRC Customary IHL Study, Rule 156, pp. 591,593,595-598. See also Rome Statute of the ICC, 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.

¹⁹⁶ ICRC Customary IHL Study, Rule 2; see also Protocol I, Article 51(2) and Protocol II, Article 12(2).

¹⁹⁷ ICRC Customary IHL Study, Rule 11; Protocol I, Article 51(4).

¹⁹⁸ ICRC Customary IHL Study, Rule 12; Protocol I, Article 51(4)(a).

loss of civilian life, injury to civilians and damage to civilian objects.¹⁹⁹ 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.²⁰⁰ 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.²⁰¹ Where circumstances permit, parties must give effective advance warning of attacks which may affect the civilian population.²⁰²

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 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. Choosing methods of attack that do not minimize the risk to civilians – for example, attacking objectives at times when many civilians are most likely to be present – also violates international humanitarian law.

Attacks by both government forces and armed groups that are carried out in the knowledge that they will cause massive civilian casualties and destruction of civilian objects flagrantly violate the prohibition of indiscriminate attack and constitute war crimes. Shelling and air strikes on residential areas in which there are no fighters, soldiers or military objectives constitute direct attacks on civilians and are war crimes.

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.

The use of starvation of the civilian population as a method of warfare is prohibited, as is 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 authorized humanitarian relief personnel.²⁰³ The parties must ensure that the wounded and sick are collected and cared for without adverse distinction.²⁰⁴ Sieges that amount to collective punishment of the civilian

¹⁹⁹ ICRC Customary IHL Study, Rule 15. See also Protocol II, Article 13(1).

²⁰⁰ ICRC Customary IHL Study, Rule 17.

²⁰¹ ICRC Customary IHL Study, Rules 16-19.

²⁰² ICRC Customary IHL Study, Rule 20.

²⁰³ ICRC Customary IHL Study, Rules 53-56.

²⁰⁴ ICRC Customary IHL Study, Rule 109-110.

population are prohibited.²⁰⁵ Collective punishment and starving civilians by depriving them of objects indispensable to their survival constitute war crimes.²⁰⁶

INTERNATIONAL CRIMINAL LAW

Individuals, including civilians and military personnel, can be held criminally responsible for certain violations of international human rights law and international humanitarian law. International law imposes the obligation to investigate and prosecute alleged perpetrators of crimes under international law and serious violations and abuses of human rights.²⁰⁷

Under the principle of universal jurisdiction, all states have an obligation to investigate and, where enough admissible evidence is gathered, prosecute crimes under international law, including genocide, crimes against humanity, war crimes, torture, extrajudicial executions and enforced disappearances.²⁰⁸ War crimes are serious violations of international humanitarian law and engage individual criminal responsibility on the part of the perpetrators. As documented in this report, both state forces and non-state armed groups have committed war crimes in Eastern Ghouta.

According to Article 7 of the Rome Statute, certain acts, if directed against a civilian population as part of a widespread or systematic attack, and as part of a state or organizational 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.

Crimes against humanity can be committed either during a time of peace or during an armed conflict. Over the past four years, the Syrian authorities have carried out constituent acts including murder, arbitrary imprisonment, torture and enforced disappearance as part of a widespread, as well as systematic, attack on the civilian population. Many of the violations documented in this report were carried out as part of an attack on the civilian population, and in furtherance of a state policy, and constitute crimes against humanity.

Military commanders and civilian superiors can be held responsible for the acts of their

²⁰⁵ ICRC Customary IHL Study, Rule 103.

²⁰⁶ ICRC Customary IHL Study, Rule 156, pp. 599-601.

²⁰⁷ International humanitarian law contains a duty to prosecute war crimes (ICRC Customary IHL Study, Rules 157 and 158). See also the International Covenant on Civil and Political Rights; Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; and Amnesty International, *United Kingdom: The Pinochet case - universal jurisdiction and absence of immunity for crimes against humanity* (Index: EUR 45/01/99), January 1999.

²⁰⁸ See for example ICJ, *Arrest Warrant of 11 April 2000 (Democratic Republic of the Congo v. Belgium)*, Judgment, I.C.J. Reports 2002, p. 3, where the majority of the court confirmed the right of all states to exercise universal jurisdiction. Amnesty International, *Universal jurisdiction: The duty of states to enact and implement legislation*, (Index: IOR 53/003/2001), September 2001.

subordinates. Article 86(2) of Protocol I, which imposes a single standard for military commanders and civilian superiors, reflects customary international law. It states:

“The fact that a breach of the [1949 Geneva] Conventions or of this Protocol was committed by a subordinate does not absolve his superiors from penal or disciplinary responsibility, as the case may be, if they knew, or had information which should have enabled them to conclude in the circumstances at the time, that he was committing or was going to commit such a breach and if they did not take all feasible measures within their power to prevent or repress the breach.”

Superior orders cannot be invoked as a defence for violations, but they may be taken into account in mitigation of punishment. This principle has been recognized since the Nuremberg trials after World War II and is now part of customary international law.

CONCLUSIONS AND RECOMMENDATIONS

Three years after Syrian government forces first began their siege of parts of Eastern Ghouta, the 160,000 plus civilians who remain there are in a dire and worsening situation. They face a veritable humanitarian catastrophe – not one caused by an earthquake, volcanic eruption or other natural disaster but a man-made catastrophe that stems directly from the policies of the Syrian government, principally, as well as the actions of armed groups that oppose that government. The area's civilian population is caught in the middle between these two armed forces, both of whose actions have shown a callous disregard for the area's civilians and for the body of international law that is supposed to regulate the conduct of armed conflicts and minimize the suffering they cause to civilians.

The air strikes and other attacks by Syrian government forces that Amnesty International investigated and documents in this report violated the laws of war. In 10 out of the 13 attacks, as far as Amnesty International could determine, there were no armed group fighters or military installations or weapons at or in the vicinity of the areas hit when the attacks took place; and those killed and injured were all civilians, including many children and women. The location and timing of certain of the attacks – on a public market at a predictably busy time, on a school when children were attending classes, on buildings close to a mosque soon after Friday prayers – point strongly towards an intent on the part of the attacking forces to cause – or even maximize – civilian casualties and to destroy and damage civilian homes and infrastructure, in flagrant violation of international law. At the very least these were indiscriminate attacks that killed and injured civilians. In the remaining three attacks, the means and methods used indicate that the attacks were disproportionate or otherwise indiscriminate. Such attacks amount to war crimes.

These attacks on the civilian population are taking place in the midst of a prolonged siege by Syrian government forces that has deprived the civilians of Eastern Ghouta of access to basic essentials, such as electricity, fuel, clean water, food and medicines, and curtailed their freedom of movement to enter and leave Eastern Ghouta. Civilians who have sought to pass through checkpoints manned by government troops and security officials have at times been arbitrarily detained and ill-treated, with doctors and other medical personnel particularly likely to be targeted. Government forces have also denied UN agencies and other relief organizations free access to Eastern Ghouta to deliver humanitarian aid to civilians in need, and in some cases have injured and killed aid workers and medics and bombed medical and relief facilities, exacerbating the plight and suffering of besieged civilians.

Under international humanitarian law, parties to a conflict must not deliberately restrict the delivery of humanitarian assistance to civilians in need but rather are obliged to facilitate rapid and unimpeded aid deliveries. Starvation of civilians as a method of warfare is a war crime. The siege of Eastern Ghouta and the unlawful killing of its besieged civilians, including in direct and indiscriminate attacks, is part of a widespread and systematic attack by government forces against the civilian population. As such, state forces are responsible for

carrying out crimes against humanity in Eastern Ghouta.

The armed groups that continue to occupy areas of Eastern Ghouta have also committed serious violations of international humanitarian law. They have fired mortars and other imprecise explosive weapons into populated government-controlled areas, causing deaths and injuries to civilians and have abducted civilians. And the predominant armed group in Eastern Ghouta, the Army of Islam, has also prevented civilians from leaving Eastern Ghouta to seek refuge elsewhere.

Eastern Ghouta is only one of several areas in Syria currently enduring a siege imposed by Syrian government forces. In other areas, such as Yarmouk, government forces are laying siege to tens of thousands of civilians, subjecting them to constant indiscriminate bombardment and shelling and to conditions of extreme deprivation, while denying them access to desperately needed international humanitarian aid.

UN Security Council Resolutions 2139 and 2165 were adopted in recognition of and as a response to the developing humanitarian catastrophe in Syria but they have proved ineffective in the face of intransigence by the Syrian government and many of the armed groups opposing it, and continued political divisions within the Security Council itself. Largely due to those divisions, more than a year after the passage of both resolutions the Council has failed yet to take action to enforce them.

The Security Council needs to take further steps to ensure full compliance with its demands by the Syrian government and all other parties to the Syrian conflict, and to make clear its determination to ensure that those responsible for war crimes and other crimes under international law will be prosecuted in fair trials, notably by referring the situation in Syria to the Prosecutor of the International Criminal Court and by ensuring that suspected perpetrators are denied any safe haven where they can escape justice.

Amnesty International makes the following recommendations which concern Syria more broadly and in particular Eastern Ghouta:

TO THE SYRIAN AUTHORITIES

- End deliberate attacks on civilians and civilian objects such as hospitals, homes and schools;
- End the use of imprecise explosive weapons with wide area effect such as artillery, mortars, unguided rockets and air-dropped bombs in populated areas;
- End arbitrary arrests, enforced disappearances, and torture and other ill-treatment;
- Lift the sieges on Eastern Ghouta and other civilian population areas in Syria;
- Allow unhindered humanitarian access by UN agencies and their implementing partners to deliver food, fuel, medicines and surgical and other medical supplies and equipment to civilians in need of such assistance throughout Syria, including in areas under siege by government forces;

- Provide full co-operation and unhindered access to the Independent International Commission of Inquiry on the Syrian Arab Republic, as well as other international human rights monitors, to investigate all alleged crimes under international law and violations and abuses of international human rights law and international humanitarian law;
- 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.

TO ARMED GROUPS ENGAGED IN THE SYRIAN CONFLICT

- End deliberate attacks on civilians and civilian objects such as hospitals, homes and schools;
- End the use of imprecise explosive weapons such as mortars and Grad rockets in populated areas;
- End torture and other ill-treatment of detainees and ensure that all detainees are treated humanely at all times;
- End abductions of civilians and all hostage-taking, make clear that violations of international humanitarian law will not be tolerated, and remove from the ranks anyone suspects of violations or abuses;
- Allow UN agencies and their implementing partners full and unhindered access to Eastern Ghouta and other civilian population areas in Syria to deliver humanitarian assistance to civilians in need;
- Allow free and unrestricted movement of civilians into and from Eastern Ghouta, and allow civilians who wish to leave the area freedom to do so without threat or constraint;
- 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.

TO THE UN SECURITY COUNCIL

- Refer the situation in Syria to the Prosecutor of the International Criminal Court without delay;
- Demand prompt and unhindered access to Syria for the Independent International Commission of Inquiry on the Syrian Arab Republic, humanitarian and human rights organizations, and international journalists;
- Impose targeted sanctions against those responsible for war crimes and crimes against humanity;
- Impose an arms embargo on the Syrian government.

TO THE INTERNATIONAL COMMUNITY

- Support and build the capacity of Syrian human rights organizations that are

documenting violations of international human rights and humanitarian law in the Syrian conflict to gather and share objective and impartial information, and encourage the UN and other international actors to ensure that such support and training is made available to them;

- Engage in greater and more effective information-sharing around humanitarian conditions in Syria, which will increase the effectiveness of the humanitarian response;
- Urge the Syrian government to grant the Independent International Commission of Inquiry on the Syrian Arab Republic and other international human rights monitors access to Syria;
- 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;
- Make no arms transfers to non-state armed groups in Syria where there is a substantial risk of the group committing serious violations of human rights and international humanitarian law;
- If considering supplying arms to non-state armed groups in Syria, first carry out a rigorous human rights risk assessment and establish a robust monitoring process which would enable all arms transfer proposals to be carefully considered before any approval is granted and for any such transfers to be rapidly halted if arms are used to commit human rights abuses or violations of international humanitarian law; the onus should be on states considering military transfers to armed groups to first ensure the establishment of concrete, enforceable and verifiable mechanisms so as to remove all substantial risks that any military equipment supplied is not misused or diverted to commit or facilitate serious human rights abuses or violations of international humanitarian law;
- Accept a shared responsibility to investigate and prosecute war crimes and other crimes under international law committed in Syria and elsewhere in the world; in particular, seek to exercise universal jurisdiction over these crimes before national courts in fair trials and without recourse to the death penalty;
- Recognize and condemn the violations being committed in Eastern Ghouta and in Syria more broadly, as failure to act opens the way for intolerable human suffering and poses a challenge to the universality of international law.

WHETHER IN A HIGH-PROFILE CONFLICT OR A FORGOTTEN CORNER OF THE GLOBE, **AMNESTY INTERNATIONAL** CAMPAIGNS FOR JUSTICE, FREEDOM AND DIGNITY FOR ALL AND SEEKS TO GALVANIZE PUBLIC SUPPORT TO BUILD A BETTER WORLD

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I WANT TO HELP



'LEFT TO DIE UNDER SIEGE'

WAR CRIMES AND HUMAN RIGHTS ABUSES IN EASTERN GHOUTA, SYRIA

Thousands of civilians remain trapped in Eastern Ghouta, an area to the north and east of Damascus that has been continuously besieged by Syrian government forces since 2013. They have little access to food, water, medicines, fuel or electrical power due to the ongoing blockade by government forces, and the actions of non-state armed groups that largely control the area. The government has failed to comply with UN Security Council demands that they allow UN humanitarian agencies free access to deliver aid to civilians under siege across the country.

Government forces have carried out repeated air strikes and other attacks that apparently targeted civilians and civilian infrastructure – including homes, schools, markets, mosques and hospitals – or were disproportionate or otherwise indiscriminate attacks. Indiscriminate attacks that kill or injure civilians constitute war crimes under international law.

Based on interviews with current and former residents of the besieged area and photo and video evidence, this report examines 13 aerial and other attacks by government forces against civilians and civilian objects during the first half of 2015. According to local monitors, the strikes killed at least 183 civilians but only three fighters. Many civilians were injured.

Amnesty International calls on all parties to the Syrian conflict to end deliberate attacks and the indiscriminate use of explosive weapons on civilians and civilian objects; to lift all sieges and allow unimpeded access by UN humanitarian agencies to deliver aid; and to end abductions and arbitrary arrests, torture and other ill-treatment, and enforced disappearances.

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