

## Syrian Universal Children's day.... More than 12000 Child killed

**Documented by SNHR**

Rule 135. of Customary IHL

Rule 135. Children affected by armed conflict are entitled to special respect and protection.

### Introduction :

In Mid of February 2012 , The nature of Syrian conflict has been describes as a non international armed conflicts , that's mean each party to the conflict should be bound to apply Common Article 3 to the four Geneva Conventions as well as Customary Norms of International Human Rights Law relating to non international armed conflicts

Security council resolution 1325/2000 : emphasizing all member states to implement fully international humanitarian law and human rights , based violence during conflicts.

International criminal law provides means to implement international sanctions for serious violations against customary law , international law and international human rights law Where these crimes are seen as an individual commitment .As noted the international criminal law trial persons accused of such crimes : genocide ,crimes against humanity , aggression crimes and war crimes .

As of February 2013 , 122 states are states parties to the Rome Statutes of International Criminal Court , although Syrian Arab Republic had signed the Rome Statute of International Criminal Court , but has not ratified the treaty yet

According to Article 13 of ICC

(Exercise of jurisdiction)

(b) A situation in which one or more of such crimes appears to have been committed is referred to the Prosecutor by the Security Council acting under Chapter VII of the Charter of the United Nations; or

Security council can refer Syrian file to the Prosecutor of ICC for investigation

### Violations committed by Syrian Government :

- 1 Unlawful killing
- 2- Wounded children
- 3- Arresting and torturing children
- 4- Sexual violence
- 5- Refugee children
- 6- Child recruitment

## **First: Unlawful killing :**

Documented the death toll killed by Syrian Government Forces

SNHR : by our daily monitoring and over 100 members deployed in all of the Syrian provinces and their direct connection to the events that took place on the Syrian territory ,we have been documented since 18/3/2011 until 20/11/2013, at least the killings of 12027 children by Government Forces , the under below annex documenting our file names , photos , date and place of their martyrdom.

3614 are female child-victims , 8413 male-child victims

### **Among the 12027 child victim there are:**

1. At least 560 field executed , either slaughtered by knives as in Hwola village massacre, Karm Alziton neighborhood massacre, and Rifaai neighborhood massacre in Homs, finally Raas Alnabaa and Biyda village massacre in Baniyas, or shot as what happened in many places and villages all around Syria:
2. 2344 children below 10 years
3. 391 are infants

### **Different and multiple Types of killing children :**

- 1- Shelling
- 2- Sniping
- 3- Raiding and field executed
- 4- Starving to death: 10 children starved to death including 9 in the Western Damascus countryside and 1 in Yarmouk refugee camp south of Damascus
- 5- Shockingly : among at least 215.000 Syrian detainee ; more than 9000 children ( under 18 ) , Syrian governorates armed forces used against them very violent torture methods and barley differ from methods that treat the adults , they don't differentiate between children and adults in detention

Many of those who released told us that they were hearing the crying of the children screaming “ we want our mother , we want to get out “ , 92 of them have been tortured to death.

Please find all the above mentioned details , documented carefully in the [following annex](#) ( it contain information to 4/6/2013, but the number are updated to 20/9/2013 )

Syrian Network for Human Rights' director Fadel Abdulghani said: “ Syrian government always claims that they are fighting Al-Qaeda, Afghan, and terrorisms, but the attacks are deliberately, systematically and widespread directed against civilians, so considered as war crime according to article 8 of Rome Statute, it led to the kill thousands of children in all of the Syria governorates, so they are systematically and widespread, and therefore amount to crimes against humanity according to the article 7 of Rome Statute”

Testimony of Rashid Farouk Otfah, brother of the female victim Lujain Otfah, and uncle of two female child-victims: Leen and Laila

You can communicate with the witness by Skype account: [rasheedgaf](#)

“ Wednesday: 2/10/2013, almost 12 o'clock at noon, the family consists of father Khalid Otfah, his wife Lujain, and her two daughters Leen and Laila, went out towards Lebanon, to attend the wedding of my second sister ( sister of Lujain ), when they arrived to Qabo area, they called us and told us that they arrived to Qabo area and after a while we will enter the Lebanese border , then the communication was cut, we have tried to connect them many times but all the phones were out of the coverage area, after two days military hospital of Homs called Khaled's brother, and asked him to come to the hospital to identify the bodies, there, they told him that the residents found the bodies shot and burned in agricultural land, he could recognize Lujain from her face that didn't burn so much, on twin sisters Leen and Laila from her clothes, after two days the military hospital of Homs again, and told them there was another body almost 5 minutes away by walk from the other bodies, this body was fully distorted , cut and near a car without registration plate and empty of everything except water bill with the name of Khaled Otfah, Khalid's brother went and identify his brother from his shoes, belt, and a piece of his shirt.”

Testimony of Mrs. S A from Daraa, refused to reveal her identity, to SNHR about the injury of her fetus cause of shelling, 23/9/2013.

“ I was in my house, and pregnant in the week 32, at the end of the eight month, when I injured with shrapnel cause of MIG shelling, penetrated my abdomen from the right side to the left side, it led to hurt Abdominal viscera, including womb, the shrapnel hit the head of the fetus inside the womb with 7 cm long wound, I was transported to the hospital, the fetus was extracted by Caesarean section, conducted the necessary first aid, they told me that I have Ruptured intestines, and injury in Ureter

The infant was send to the hospital, lost half of his blood, sewing the wound, and repair the broken skull, then transferred red blood cells to the child, and I named him [Abdullah](#) I had broke of pelvis, injury in viscera, and underwent a ureter transplant in the field hospital.”

Proportion of the killed children

Civilians are the greatest part of victims killed by Syrian Government Armed Forces , where their proportion is 88% and the proportion of the killed armed rebel is less than 12% , This rate exceeded civilian victims proportion were killed in World War I and II which was 57 % . Proportion of killed children is 12% , which is a very, very high and scary rate and strict proof of targeting civilians by Syrian government's Armed Forces through systematic shelling by Scud missiles ,deliberating Barbaric random shelling with TNT by warplane shelling over the heads of civilians without any discrimination

## Second: Wounded Children

According to a research conducted by Syrian Network for Human Rights about wounded and injured victims since the beginning of incidents in Syria, they exceeded one million wounded, 30% of them are children, that's mean more than 300.000 children are injured, some of them had severe injuries, and others medium or simple wounded they healed from, most of these injuries caused by a sniper that knew exactly that he was targeting a child, according to the investigated report of the wounded , among the wounded children there are at least 1300 amputation conditions, and 800 cases died affected with their injuries.

### Testimony of the injured child Ahmad about the details of his injury:

“ I am Ahmad Alissa, 13 years old, student at Darkosh elementary school, grade seven, my mother sent me to buy some widgets to the house, from the shops in the public square of Darkosh, it was the morning of Monday 14/10/2013, the day before Aladha Eid, at 8:30 am.

I entered a shop that selling meat, then I heard the sound of very big explosion , I thrown away because of it, and then entered a coma, wake up later in a Turkish hospital.

My right hand was broken, minor burns in legs, some fragments in various parts of my body, the most difficult was next to my left eye

My family lost me in the incident, because one of the residents transferred me to the hospital, where they found me hardly the next day

I stayed in the hospital for four days and then back to my home, I'm recovering after they take out the shrapnel, splint the fractures, and heal the burns, I go to the hospitals in Darkosh every two days, to change bandages and monitor my health situation.

Thanks God, my luck was better than from those who totally burned or lose some of their parts”  
Darkosh of Idlib countryside 24/10/2013

### Third : Arrest and detention of children

SNHR estimates at least 9000 children inside security branches and prisons , were arrested during the raids , many of them arrested to pressure on their relatives

Many survivor children told the story of their suffering and using against them the same cruel torturing methods against adult men

SNHR documented the most common tortured methods used against children during their detention in Security Branches or prisons , according to testimonies of children survived from arrest

1- Using all methods of beating on all body parts by different tools such as stake and electric cables, called colloquially ( Robai ) , to beat on the soles and tread on the head.

2- Completely uprooting fingernails.

3- Removing hair from different parts of the body

4- Cutting out flesh by forceps from sensitive organs

- 5- Cutting out some parts of the detainee body; such as finger, flesh, or stabbing in the back or stomach
- 6- burning detainee's skin using chemical acids or cigarettes.
- 7- exposing the detainee after being enforced to take off all clothes and covers to extreme cold.
- 8- depriving the detainee from medical care totally as there is a lack of medical care in large number of prisons.
- 9- Preventing the detainee to use the toilet but once or twice a day, forcing him/her sometimes to urinate on himself/herself. If the detainee is allowed to use toilet, the period may not exceed a minute. The detainee is also prevented from taking shower, going out and breathing fresh air.
- 10- Pouring cold water over the body after being hit and wounded.
- 11- Cracking ribs.
- 12- insufficient amount of water and food which are not enough for a quarter of detainees.
- 13- Pouring boiling oil or water over legs
- 14- Cutting the ear using the clipper used to trim the trees.
- 15- Stressing ears and nose using mallet.
- 16- Electric shocking, especially in breasts, knees, and elbows.

These torture methods led to kill more than 92 children documented by name , date , photo and video

All those detained children deprived of education and stopped their study years with another at least 150000 children cause of destruction ,shelling and damaging almost 3200 school , and breaking into dozens of other schools.

#### **Fourth : Sexual Violence**

By conducting multiple interviews with sexual violence victims , we found that there are dozens of rapes for minors ( under 18 ) ,we can't give accurate statistic , there are many cases couldn't be documented and others concerned persons declined to talk about , but our estimations refer to more than 400 rapes for minor girls in various Syrian Governorates Girls under 15 in Refai, Karm Alzaitoun and Baba Amr neighborhoods in Homs raped by Syrian government armed forces , many similar cases took place to other minor girls in Damascus countryside , Idlib ( Precisely Jisr Alshagour ) , Daraa , Hama , Lattakia and other areas ,they are p-extensive systematic methods reflected negatively terribly on the psyches of those girls , cause they didn't have sex ,some of them didn't even heard of it , many of them collapsed when they were talking about what happened to them , most documented rape cases occurred during raid , others in detentions

#### **Fifth : Child Recruitment**

Syrian Government Forces use children in some case as a guards on barriers in some neighborhood of Damascus.

## Sixth: refugee Child

According to the last statistic conducted by SNHR : the number of Syrian refugees are at least 3.150.000 refugees including 1.6 million children below 18 years old.

Testimony of 12 years old refugee child in Turkey Mohamad Nazem Al-Ibrahim, from Kafar Nubal He told us “ the first demonstration that I participated alone was in 22/8/2013, I injured by missile fragment, cause they shell a place near the demonstration, after a while in 5/11/2012, my mother killed in warplane shelling on our house, now I am refugee in Turkey without my mother”

Attachment and annexes :samples of the extensive systematic violations took place in all the Syrian governorates against children of the Syrian people.

### Aleppo Governorate :

- Aleppo - Albab , 13-9-2012 , [child tell about](#) the shelling of his house by government forces
- Aleppo - Bustan Alqasr , 20-8-2012 , [child t tell](#) how he injured cause of shelling on his house

### Dier Alzoor Governorate :

- Dier Alzoor , 31-7-2012 , [child tell how](#) government forces shelled his house

### Lattakia Governorate :

- Lattakia countryside , Hafa , 31-12-2012 , [child explain](#) how Shabiha killed his mother

### Daraa Governorate :

- Daraa , Daael , 29-4-2012 , [child tell](#) how he shot by a sniper bullet

### Hama Governorate :

- Hama countryside, Lattamna , 13-4-2012 , [child tell](#) the details of Latamna massacre conducted by government forces.

### Damascus and countryside Governorate :

- Damascus countryside - Doma , 3-3-2013 , [child tell](#) the story of shelling his house by government forces
- Damascus countryside - Arbin , 27-1-2013 , [child speak](#) about his suffering from shelling by government forces
- Damascus - Kafar Batna , 8-11-2012 , [wounded child talk](#) about the kill of his brother cause of shelling

### Idlib Governorate :

- Idlib – Maarat Masrin , 4-12-2012 , [girl child talk](#) about her injury cause of shelling her town by government forces.

### Homs Governorate :

- Homs- Hwla, 17-1-2013, [Child narrate](#) the story of shelling his house by government forces

### Legal conclusions :

Syrian government violated both International Human Rights Law and International Humanitarian Law

Syrian Government Forces committed extensive systematic war crimes and crimes against humanity by unlawful killings , torture , sexual violence according to Article 7 and Article 8 of Rome Statue , and many other rules of Customary IHL ( rules No. 89-90-93-97-120-135 )



### **Violations committed by Armed Rebels :**

- 1- Most common violations committed by Armed Rebels is using children under 18 in dangerous non-combat roles ( such as : support fighters , medical support , correspondence , espionage , cooking , and other services etc....) , and in some rare conditions fighting and carrying weapons
- 2- [SNHR documented](#) the kill of 22 children, most of them killed during shell by armed opposition against areas loyal to Syrian's regime.
- 3- SNHR didn't document any torture case or rape committed by armed rebels.

### **Conclusions :**

- 1- SNHR are watching with concern using children in dangerous non-combat roles and other rare cases in combat roles and carrying weapons , although it is not extensively
- 2- ICC considered conscripting and enlisting children under the age of 15 and using them to participate in hostilities as a war crime
- 3- SNHR didn't documented any case of carrying weapons for children under 15 , but there is evidence and documented cases where children participates in non-combat roles

### **Condemnation and responsibilities :**

Responsibility of states for internationally wrongful acts , similarly Customary IHL provides that states that the state is responsible for all acts committed by a members of its military and security forces , thus the states is responsible of wrongful acts committed by its military and security forces including crimes against humanity

Prohibition crimes against humanity are among the rules of jus cogens or peremptory , and punish such crimes is compulsory according to the General principles of international law. Moreover, the crimes against humanity are the height violations of basic human rights, such as the right to life and prohibition of torture or other cruel, inhuman and degrading treatment. In accordance with the principles of State responsibility in international law, Syrian Arabic Republic hold responsibility for such crimes and violations, the duty to ensure punishment of the perpetrators individually and the duty to provide compensation to victims

SNHR hold all violations committed by Syrian Government Armed Forces to the Syrian government and the General Commander of the army and the armed forces, Bashar Al-Assad, and to all the officials of security branches , and to all financially and morally supporters to those forces, with the legal judicial and material consequences to the victims and their families in addition to all the reactions that will come by the families or their friends

We also condemn violations committed by some armed rebel factions and demand interim government to take its responsibility in this regard

## **Recommendations :**

### **Human right council :**

- 1- Call upon security council and relevant organizations to take upon their responsibility towards what's happening Syrian children from killing , rape , rape and displacement
- 2- Exert pressure on the Syrian government to stop torturing , demanding the release of all children and stop pressure on their parents through detention and torture them
- 3- Hold the allies and supporter of the Syrian government : Russia , Iran , China , moral and physical responsibility towards what's happening Syrian children
- 4- Serious attention of this case and give it high priority and, and try to take care of torture victims families

### **Security Council :**

- 1- Decision to refer all the criminals and the involved to ICC
- 2- Warn the Syrian Government Troops of the repercussions of using brutal methods and systematic killing and send clear messages about

### **Arab League :**

- 1- Demand Human Right Council and United Nations to give this serious issue the right attention and follow up
- 2- Serious attention of this case and give it high priority, and try to take care of torture child victims and mentally , physically , educationally rehab them
- 3- Political and diplomatic pressure on the Syrian Government Troops' main allies - Russia, Iran and China - to prevent them from continuous providing cover and international and political protection for all the crimes committed against the Syrian people and hold them moral and physical responsibility for all the excesses of the Syrian Government Troops

### **Transitional Government :**

- 1- Media and Political deserved attention of this case, and continuously raised in Syrian Friends Conferences
- 2- Demand Human Right Council and United Nations to give this serious issue the right attention and follow up
- 3- Form specialized committees to follow up the conditions of detainees families and care of them financially and morally
- 4- Form specialized committees to provide moral and psychological support to rehab children and what's happening to them from killing , rape , rape and displacement
- 5- Condemnation , accounting and follow up torture committed by opposition armed factions