

# The UN Investigators' Report in Northwest Syria Should Have Acknowledged Russian Forces' Responsibility for the Bombing of the Schools Complex in Qal'at al Madiq

Russian Forces Are Responsible for 43 Attacks on Medical Facilities in Northwest Syria Since the Sochi Agreement to Date, and 207 Since Their Military Intervention in September 2015

# SNHR

SYRIAN NETWORK FOR HUMAN RIGHTS

الشبكة السورية لحقوق الإنسان

Monday, April 20, 2020

The Syrian Network for Human Rights (SNHR), founded in June 2011, is a non-governmental, independent group that is considered a primary source for the OHCHR on all death toll-related analyses in Syria.

## Contents

- I. Syrian Regime and Russian Forces Have Bombed Medical Facilities Repeatedly and Deliberately in a Manner Not Seen Since WWII
- II. The Record of Attacks by Russian Forces on Medical Facilities Since Their Military Intervention in Syria, and Since the Sochi Agreement
- III. Establishing a Deconfliction Mechanism to Avoid Targeting Medical Facilities
- IV. Key Notes on the Internal United Nations Board of Inquiry's Report in Northwest Syria
- V. Recommendations

### **I. The Syrian Regime's and Russian Forces Have Bombed Medical Facilities Repeatedly and Deliberately in a Manner Not Seen Since WWII**

The Syrian internal armed conflict has seen targeting of medical facilities, as well as vital civilian facilities such as schools, Civil Defense headquarters, places of worship, etc., by Syrian regime and Russian forces in a manner unseen since the Second World War, with this repeated heinous bombing of medical facilities, and vital civilian facilities encouraged by the complete impunity which the Syrian regime has been afforded since the popular uprising for democracy in Syria began in March 2011; the regime enjoys this total impunity due to Russia's veto in the UN Security Council, with the Syrian Regime's forces sensing that they have carte blanche to perpetrate any and all crimes, and can bomb what they want and behave however they wish. Regime personnel even add insult to injury by repeating clearly false accusations that these medical facilities and schools are no longer performing their function and are in the hands of terrorists as a pretext to justify bombing them and killing the people inside. The Syrian Network for Human Rights (SNHR) has documented the repeated targeting of the same medical facility on a number of occasions by Syrian Regime forces, with this scenario repeated across dozens of medical facilities, clearly indicating the regime's absolute indifference to international law and the ineffectiveness of international law in Syria, and indicating a sense of permanent immunity from accountability.



After the Russian military intervention in Syria began in September 2015, Russia's forces immediately adopted the same approach as their Syrian Regime peers, including bombing medical facilities and other vital civilian facilities. As the SNHR's team has observed over the past nine years, the targeting of medical facilities in Syria is carried out calculatingly and deliberately, with regime intelligence services first conducting surveillance operations to locate field hospitals, private hospitals or even mobile medical units with the aim of bombing them; for example, Russian forces bombed al Rahma Hospital, east of Khan Sheikhoun city, on the same day when the Syrian regime launched the chemical attack on the city on April 4, 2017, a number of hours after the attack, in order to target the survivors who might have been witnesses to it.

## **II. The Record of Attacks by Russian Forces on Medical Facilities Since Their Military Intervention in Syria, and Since the Sochi Agreement**

Over the past nine years, SNHR has been particularly attentive in documenting violations against medical personnel and the targeting of medical facilities, detailing these attacks in periodic monthly reports, in the report of targeting the vital facilities, and in the human rights situation report, accumulating an extensive database on this subject. According to the SNHR's database, the record of attacks included in this report includes:

First: Bombings that targeted medical facilities, with no military installations or equipment nearby.

Second: Bombings that targeted medical facilities whose work had been suspended due to fear of being shelled and due to the displacement of the residents of the area.

Third: Medical facilities that have been subjected to more than one attack, with SNHR documenting each attack as a separate violation.

Under international humanitarian law, civilian objects are classed as being protected from military attacks unless they are used for military purposes, with this protection suspended when they are used for military purposes and for the duration of such use; once the civilian object is no longer being used for any military purpose and returns to its former civilian status, military attacks are once again prohibited and the object's protected status is resumed.



The record of attacks carried out by Russian forces on medical facilities in northwest Syria since the Sochi Agreement entered into force on September 17, 2018, until April 2020:

According to the SNHR's database, at least 43 attacks on medical facilities were carried out by Russian forces between September 17, 2018, and April 17, 2020, which were distributed across the governorates as follows:

Idlib governorate: 25

Hama governorate: Nine

Aleppo governorate: Seven

Meanwhile, the total record of attacks carried out by Russian forces on medical facilities in all Syrian governorates since Russia's military intervention in Syria began on September 30, 2015, had reached 207 as of April 17, 2020.

We can confirm that some of these medical facilities were subjected to successive airstrikes by Russian forces with short intervals between each airstrike, (a double-tap airstrike), as happened, for example, during the attack by Russian forces on al Eman Hospital in Urm al Kubra village in Aleppo suburbs on August 31, 2019, with Russian warplanes bombing the hospital twice within a period of several minutes.

### **III. Establishing a Deconfliction Mechanism to Avoid Targeting Medical Facilities**

Targeting medical facilities is very definitely clearly prohibited in international humanitarian law, and is classified as a gross violation, with the deliberate bombing of medical facilities constituting a war crime; this did not deter the Syrian regime from deliberately targeting of medical facilities, however, with the Security Council failing to impose any sanctions, even economic sanctions, on the Syrian regime, despite the condemnation of the bombings of medical facilities and the killing and maiming of medical personnel by human rights organizations and media.

Based on that, the UN Office for the Coordination of Humanitarian Affairs (OCHA) established a specific [mechanism](#) in a practical effort to provide protection to humanitarian personnel, including to the offices, facilities and locations of humanitarian missions, IDP sites, routes leading to humanitarian facilities, and mobile clinics to protect them from bombardment and targeting; the humanitarian deconfliction mechanism provides the US-led coalition forces, Russia, Turkey and the chairs of the International Syria Support Group with data on static humanitarian facilities' locations, and on humanitarian mission movements to mitigate the risks of their being targeted / hit by an air strike. The founding statement of this humanitarian deconfliction mechanism states that participation in it by organizations is voluntary and does not guarantee the safety of personnel, facilitates or sites in the event of



participation. Using the humanitarian deconfliction mechanism does not constitute a legally binding agreement between the concerned parties.

Turkey and Russia were not part of the humanitarian deconfliction mechanism in 2014, but concluded a joint agreement to deconflict movement and static locations provided by humanitarian organizations.

In a [previous report](#), we talked about the work of this mechanism and what it must do in more detail, also referring to its work in [a report](#) in which we detailed the attacks on medical facilities in northwest Syria in the period between April 26, 2019, and February 18, 2020; in this report, we noted that the most difficult issue we faced was the mechanism's failure to announce the medical facilities it had registered, as well as its failure to announce the facilities that had been attacked even when they had been registered by it, even if only by mentioning it in passing without identifying the specific perpetrator responsible for the crime.

Until April 17, 2020, we in the SNHR managed, following exhaustive work, to identify seven medical facilities that had been targeted on 12 separate occasions by Syrian Regime forces or Russian regime forces, despite these facilities being listed within the deconfliction mechanism.

Given all these factors, we believe that there is a fundamental imbalance in the work of the humanitarian deconfliction mechanism, and in light of the Syrian and the Russian regimes continuing to bomb medical facilities despite being listed within the mechanism. Two days after a [number of countries submitted a petition](#) to the UN Secretary-General on July 30, 2019, on the need to investigate such incidents, the UN Secretary-General responded on [August 1, 2019](#) by issuing a decision to establish an "Internal Board of Inquiry" to investigate attacks targeting medical and vital facilities that occurred in northwest Syria since the implementation of the Sochi Agreement on September 17, 2018. On [September 13, 2019](#), the members of this board were announced, with its work beginning on September 30. The SNHR team contacted the Internal Board of Inquiry, with the Board selecting seven incidents to investigate, and issuing [its report](#) on April 6, 2020.



#### IV. Key Notes on the Internal United Nations Board of Inquiry's Report in Northwest Syria

The Board of Inquiry was requested to investigate seven incidents, which – according to the information we have received from the Board's team - are:

- a) damage done to the Martyr Akram Ali Ibrahim Al-Ahmad Secondary School in Madiq Castle, Governorate of Hama, from 30 March to 10 May 2019;
- b) damage done to the Rakaya Primary Health Care Centre in Rakaya Sijneh, Governorate of Idleb, on or around 3 May 2019;
- c) damage done to, and any deaths or injuries occurring at, Kafr Nabutha Primary Health Care Centre and Surgical Unit in Kafr Nabutha, Governorate of Hama, on or around 1 May 2019, and on or around 7 May 2019;
- d) damage done to, and deaths and injuries occurring at, Nayrab Palestine Refugee Camp in Aleppo, Governorate of Aleppo, on or around 14 May 2019;
- e) damage done to, and injuries occurring at, the As-Suqylabiyah National Hospital in As-Suqylabiyah, Governorate of Hama, on or around 26 May 2019;
- f) damage done to Kafr Nobol Surgical Hospital in Kafr Nobol, Governorate of Idleb, on or around 4 July 2019;
- g) damage done to, and injuries occurring at, Ariha Protection Centre in Ariha, Governorate of Idleb, on 27 and 28 July 2019.

The Board, however, was able to investigate only five of these incidents. While we in the SNHR believe that the report contains a number of good and substantive points that it emphasized and noted, it also contains some inaccurate points on which we, as contributors to investigations into these and similar cases of targeting medical facilities, feel duty-bound to comment and offer our constructive criticism, in order to avoid future repetition of these shortcomings in case the United Nations wishes to form an investigative committee in the future.

##### **A: Positive points:**

1. The Board of Inquiry affirmed that it had made several requests to enter the country in order to investigate the incidents that it was assigned to look into, but had received no response from the Syrian regime, which provides further evidence of the Syrian regime's obstruction of investigations, and confirms its involvement in committing violations; why should a UN board of inquiry otherwise be prevented from entering the country after all? This also makes it clear that Russia has not exerted any pressure or criticism on the Syrian regime to pressure it to allow the Board of Inquiry to enter Syria - on the contrary, it has expressed its dismay at all UN investigation committees in Syria, including this council and has single-mindedly focused on obstructing and distorting all their work.



2. The Board categorically refuted the statement made by Bashar Jaafari, the permanent representative of the Syrian regime in the Security Council on June 16, 2019, that “all health-care facilities in Idlib Governorate had been overrun by terrorist groups, and that they no longer served their original purpose.”; the Syrian regime’s representative is clearly using this pretext to justify the bombing and destruction of all medical facilities in Idlib. The Board of Inquiry’s response to this effort at obstruction was clear, with the Board noting that, contrary to the statements of the Syrian regime’s representative, health care services were being provided in the centers that were bombed, constituting a severe blow to the Syrian regime and its ally Russia in the UN Security Council, and showing the extent of the lies and misinformation seen in the messages submitted by the Syrian regime’s representative in the Security Council.
3. The Board accused the Syrian regime of responsibility for four of the five attacks it investigated (for the fifth incident, the Board blamed the extremist Hay’at Tahrir al Sham, or one of the Armed Opposition factions), with these special investigations constituting additional evidence of the Syrian regime’s clear and repeated involvement in military operations targeting vital facilities, primarily medical facilities, through which it aims to end any form of life outside the areas of its control, and to push the population to despair and thus to fleeing and forcible displacement.

### **B: Negative points:**

1. We view the Board’s failure to assign direct responsibility to Russian forces for the bombing of some medical facilities, citing only the Syrian regime and “its allies” without naming these allies, as a disappointing and negligent omission of the reality of events in Syria. Russia’s culpability is unquestionable and clearly proven by evidence from various sources, including the SNHR’s own database, numerous UN investigations and reports by international human rights organizations, as well as New York Times investigations, to which the SNHR contributed, with all of these bodies repeatedly demonstrating Russian forces’ responsibility for bombing medical facilities. With regard to the incidents included in the Board’s report, plentiful evidence documented on the SNHR’s database shows, for instance, that the first incident referred to in the report, namely the bombing of Akram Ali Ibrahim Al-Ahmad Secondary School, was almost certainly carried out by a Russian fixed-wing warplane, according to the type of weapon used, the strength of the attack and the details of the warplane, along with other information.



2. The report's recommendations were generally disappointing, particularly with regard to the request from the deconfliction mechanism to share the data of medical facilities with the Syrian regime; we believe that this request lends unwarranted legitimacy to the Syrian regime which is the main party accused in approximately 540 operations targeting medical facilities since March 2011 to date, and that such a ruling regime, which is involved in dozens of crimes against humanity, including the use of weapons of mass destruction, massacres and lethal torture, and which has succeeded greatly in attaining impunity through its alliances, will not hesitate for one moment to use any data it's supplied with on medical facilities to target all the facilities in question. Indeed, the Syrian regime's UN representative, Bashar Jaafari has claimed at the Security Council that these medical facilities are "headquarters of terrorist groups", with Russia also routinely using this justification as a pretext for all its bombings of residential neighborhoods and vital facilities.
3. In addition, the Board's first recommendation spoke of "raising awareness and building capacity", and we believe that this is a very vague and general recommendation with only marginal significance and no real relevance to the substance of the topic.
4. We were hoping to hear from the Board of Inquiry about more intensive investigations, such as any efforts to determine whether sharing data on medical facilities with Russia, the Syrian regime's partner, had contributed to their subsequently being bombed? We also hoped for a more comprehensive and accurate evaluation of the work of the humanitarian deconfliction mechanism, and the extent of the feasibility of its work in light of the Syrian regime's and Russia's continuing targeting of medical and other vital facilities, and to see proposals, in the event that it is not feasible to continue the mechanism's work, for an appropriate action formula to protect medical and other vital facilities in light of the absolute blatant contempt shown by the Syrian regime and its Russian ally for international law, human rights and the United Nations.

## V. Recommendations

- The United Nations Secretariat:
  1. All boards of inquiry should be supported by punitive mechanisms in the event that the state's ruling authorities refuse to meet their requirements, such as preventing them from entering the country and questioning and rejecting their work as the Syrian regime did; among the punitive mechanisms suggested in this case is that the United Nations should impose sanctions on the Syrian regime, including economic, political, and possibly military sanctions.





2. The primary task of the boards of inquiry is to reveal to the oppressed people who is responsible for killing their children and families and bombing their medical and other vital facilities. This being the case, the failure to name the party that committed the violation or crime is considered a profound and fundamental failure in the work of the boards of inquiry, rather than a secondary failure.
3. Work to find an effective mechanism for protecting medical and vital civilian facilities from brutal bombing operations aimed at destroying them and denying them their ability to function in carrying out humanitarian work as quickly as possible. The Syrian and Russian regimes' targeting of medical facilities in northwest Syria, and in areas that were outside the control of the Syrian regime previously, such as the Eastern Ghouta, Darayya, Daraa, etc., has had an impact over the capabilities of the Syrian state's health care system, making the country far more vulnerable to the spread of Covid-19 pandemic among the Syrian people.
4. Greater efforts must be made to prevent UNSC members' use of their veto to protect any regime, such as Syria's which commits crimes against humanity and war crimes.





@snhr



Info@sn4hr.org

www.sn4hr.org

