

# The Most Notable Violations by the Parties Participating in the Constitutional Committee Within the First Week of Its Sessions

The Continuing Perpetration of War Crimes by the Syrian Regime and Its Allies Is Further Evidence of Insulting the Constitution and the International Community

**SNHR**

SYRIAN NETWORK FOR HUMAN RIGHTS

الشبكة السورية لحقوق الإنسان

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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.

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## I. Introduction

On Monday, September 23, United Nations Secretary-General António Guterres [announced](#) at a press conference held at the UN's permanent headquarters in New York that the Government of the Syrian Arab Republic and the Syrian Negotiations Commission had agreed to establish a credible, balanced and inclusive Constitutional Committee facilitated by the United Nations in Geneva as part of the political process to end the conflict ongoing since 2011; [a letter from](#) the UN Secretary-General addressed to the Security Council on September 27 clarified the terms of reference and Rules of Procedure of this Committee.

The Sochi Conference of Russia, held on January 30, 2018, constitutes the reference for the formation of the Constitutional Committee, arguing that this is the main way to end the conflict, even though the Syrian political opposition refused to participate in that conference. The idea of the Constitutional Committee was later adopted by former international envoy Staffan de Mistura, with the current UN envoy to Syria, Mr. Geir Pedersen, following the same path; the Syrian Network for Human Rights (SNHR) sent him [a letter](#) immediately after he took office, requesting him to return the course of the negotiating process to its normal sequence, starting with the formation of a transitional governing body from which a constitutional committee and election committee would emerge, with the transitional governing body being the reference of those committees, rather than following the plan put forward by Mr. de Mistura which approaches the situation from a back-to-front perspective.



On October 30, 2019, the meetings of the Constitutional Committee Large Body, consisting of 150 members (50 of them from the Syrian government, 50 members representing the opposition and 50 representatives of civil society organizations selected by the UN envoy's office according to undeclared policies and determining factors which are set by the UN envoy and are frankly incomprehensible, with this group containing figures with no knowledge of constitutional law, human rights, transitional justice, etc.) were launched at the UN Headquarters in Geneva, headed by both Ahmad Kuzbari of the Syrian regime delegation and Hadi al Bahra of the opposition delegation and attended by Mr. Geir Pedersen, the UN special envoy to Syria.

At the conclusion of this meetings of the Constitutional Committee Large Body on Friday, November 1, 2019, Mr. Pedersen announced an agreement on the formation of the Syrian Constitutional Committee Small Body, consisting of 45 members (15 of each party) to begin its work on November 4, when it would set about preparing and drafting a constitutional reform document for public approval, a task scheduled to take no longer than a week, as a contribution to the political settlement in Syria and to the implementation of [Security Council resolution 2254](#).

### **Methodology:**

This report aims to outline the most notable violations that the SNHR team was able to document committed by the parties involved in the Constitutional Committee (Syrian Regime forces, the regime's Russian ally, and factions of the Armed Opposition) during the week since the start of its sessions on October 30, up until November 6, 2019; due to these criteria, this report does not include any data on violations by Syrian Democratic Forces, the US-led International Coalition forces, or the Operation Peace Spring forces (Turkish forces and the Syrian National Army) during this period.

In gathering this information, we have relied on our field researchers, taking first-hand testimonies from survivors or victims' relatives, aid workers and media activists, based on our extensive network of contacts built up during eight years of continuous work.

The Syrian Network for Human Rights works to document violations on a daily basis, and considers homicide to be the gravest crime and one which is therefore a key indicator in assessing the impact of agreements, as well as in documenting the targeting of vital civilian facilities. This report only records the civilian toll of victims and catalogues these according to where they were killed rather than their governorate of origin. Readers are welcome to find out more about SNHR's methodology in documenting victims. <sup>1</sup>

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<sup>1</sup> "Syrian Network for Human Rights Methodology", Syrian Network for Human Rights, <[http://sn4hr.org/public\\_html/wp-content/pdf/english/SNHR\\_Methodology\\_en.pdf](http://sn4hr.org/public_html/wp-content/pdf/english/SNHR_Methodology_en.pdf)>



SNHR also analyzes videos and photographs that were posted online, or submitted by local activists via e-mail, Skype, or social media platforms. These videos uploaded by activists show the sites of the attacks, the victims' bodies, the injured and the extent of the destruction caused by the attacks.

We also retain copies of all the videos and photographs included in this report in a confidential electronic database, as well as keeping hard disk backup copies. We do not claim, however, that we have documented all cases, given the severe prohibitions, restrictions and persecution by the Syrian Regime forces and some other armed groups.

This report only represents the bare minimum, which we were able to document, of the actual severity and magnitude of the violations that occurred. Also, it doesn't include any analysis of the profound social, economic, and psychological ramifications.

## II. The International Envoy and the States Supporting the Constitutional Committee Should Stop the War Crimes Before Starting with the Details

The Syrian society expected that the frequency and severity of violations committed against it would decrease after the constitutional process began. The constitutional process usually takes place after the cessation of conflict and the start of negotiations, until the parties involved reach a mutually agreeable settlement after which they draft a constitutional declaration document based on this. In Syria's case, however, the conflict is still ongoing, and the Syrian regime and its allies continue to perpetrate various types of violations, with some of these constituting crimes against humanity and others constituting war crimes; these ongoing atrocities include torture inside detention centers and regular bombardment of vital facilities, most notably medical centers. In addition, the fate of the forcibly disappeared hasn't been revealed by the negotiating parties.

The Syrian regime's president Bashar al Assad clearly stated in an [interview](#) given to state television which was broadcast on October 31 that the delegation sent by the government to Geneva did not represent the government, saying: **“Some people believe that the first party is the Syrian state or the Syrian government. No, this is not the case, the first party represents the viewpoint of the Syrian government; however, the Syrian government is not part of these negotiations nor of these discussions.”**



In the first week since the sessions of the Constitutional Committee began, the SNHR team monitored violent and indiscriminate bombardment in many locations, carried out by Syrian Regime forces in the southern suburbs of Idlib and the western suburbs of Hama, with an increase in the frequency of bombardment in and around the cities of Kafranbel and Jisr al Shoghour in Idlib suburbs. Anadan city in the north of Aleppo governorate has also seen a significant increase in the frequency of ground attacks in the last three days. The number of ground attacks we were able to document during this week-long period was approximately 162 attacks.

In addition, on November 4, we recorded the first fixed-wing raid by Syrian Regime forces in nearly six weeks, and have recorded at least 11 more raids carried out on the fourth de-escalation zone, mostly in the western suburbs of Idlib governorate since that date.

Although the Constitutional Committee is a Russian idea, while the Geneva sessions have been taking place, Russian forces have been conducting fierce and concentrated bombardment on several towns in the southern and western suburbs of Idlib, totaling approximately 46 raids.

Syrian Regime forces have also continued their policy of arrests during this week, which have been concentrated mainly in Damascus Suburbs governorate, primarily targeting people who had previously settled their security situation.

The displacement movement in the Idlib area during this period has been very small and limited to the southern suburbs of Idlib and the towns of the western suburbs of Idlib, with almost all the areas that were bombed already being emptied of their residents.

### **III. Executive Summary**

The following is an outline of the most notable violations committed by Syrian Regime forces and their Russian ally since the start of the sessions of the Constitutional Committee on October 30 up to November 6, 2019.



## The Most Notable Violations by the Parties Participating in the Constitutional Committee in Syria From October 30 to November 6, 2019

Distributed as follows:

The deaths



Syrian Regime forces

10

including

2

Russian forces

14

including

1

4

At least 19 cases of arrests at the hands of Syrian Regime forces

### 15 incidents of attacks on vital civilian facilities

Syrian Regime forces

12

incidents of attacks  
including



Russian forces

3

incidents of attacks  
including



## **A. Massacres and Other Unlawful Killings**

We documented the deaths of 24 civilians, including six children and one woman (adult female), at the hands of the Syrian-Russian alliance forces during this period. The death toll is distributed according to the perpetrator parties as follows:

### **- Syrian Regime forces (army, security, local militias, and Shiite foreign militias):**

10 civilians, including two children.

**- Russian forces:** 14 civilians, including four children and one woman.

## **B. Arbitrary arrest and enforced disappearance:**

We documented 19 cases of arrests at the hands of Syrian Regime forces in the period covered in this report.

## **C. Attacks on vital civilian facilities:**

We documented at least 15 incidents of attacks on vital civilian facilities in the period covered in this report, including two on schools, two on medical facilities, one on a place of worship, and six on Civil Defense Centers (facilities and vehicles), all by Syrian-Russian alliance forces.

These were distributed according to the main perpetrator parties as follows:

**- Syrian Regime forces:** 12 attacks, including one on a school, two on medical facilities and one on a place of worship.

**- Russian forces:** Three attacks, including one on a school.

We did not record any bombardments that caused material or human casualties by factions of the Armed Opposition on areas controlled by the Syrian regime during the period covered in this report.

## **IV. Outlining the Most Notable Violations of the Parties Participating in the Work of the Constitutional Committee, According to the SNHR's Database**

### **A. The most notable extrajudicial killings:**

#### **1. Syrian Regime forces**

On Monday, November 4, 2019, fixed-wing (Su-24) Syrian regime warplanes, which took off from the T-4 Airbase in the suburbs of Homs governorate, fired missiles at al Kfair village in the western suburbs of Idlib governorate, resulting in the deaths of three civilians from one family, including two children (one male and one female), and injuring a number of other civilians. The village was under the joint control of factions of the Armed Opposition and Hay'at Tahrir al Sham at the time of the incident.



## 2. Russian forces:

On Thursday, October 31, 2019, fixed-wing warplanes, which we believe were Russian, fired a missile at al Fattira village in the southern suburbs of Idlib governorate, resulting in the deaths of two civilians, one of whom was an elderly man, and injuring several others. The village was under the control of factions of the Armed Opposition at the time of the incident.

On Thursday, October 31, 2019, fixed-wing warplanes, which we believe were Russian, fired missiles at Hass village in the southern suburbs of Idlib governorate, injuring several civilians. As civilians gathered to help the injured, the same warplanes repeated their bombing of the site, resulting in the deaths of two people, one of whom was a fighter with al Sham Legion - a faction of the Armed Opposition - who was rescuing the injured. The village was under the joint control of factions of the Armed Opposition and Hay'at Tahrir al Sham at the time of the incident.

On Thursday, October 31, 2019, fixed-wing warplanes, which we believe were Russian, fired a number of missiles at northwestern neighborhood of Kafranbel city in the southern suburbs of Idlib governorate, resulting in the deaths of three civilians previously displaced from the Sahl al Ghab area, including one child, and injuring several other civilians. The city was under the joint control of factions of the Armed Opposition and Hay'at Tahrir al Sham at the time of the incident.

On Saturday, November 2, 2019, fixed-wing warplanes, which we believe were Russian, fired missiles at a house in al Shamali neighborhood of Jabala village in the southern suburbs of Idlib governorate, resulting in the deaths of [four civilians](#) from the same family, including one woman, in addition to causing [extensive destruction](#) in and around the house. The village was under the joint control of factions of the Armed Opposition and Hay'at Tahrir al Sham at the time of the incident.

On Tuesday, November 5, 2019, fixed-wing warplanes, which we believe were Russian, fired missiles at a house in al Dar al Kabira village in the southern suburbs of Idlib governorate, where IDPs from al Latamena town in the suburbs of Hama governorate were living, resulting in the deaths of [three siblings](#) (two females and one male), and injuring their mother. The village was under the joint control of factions of the Armed Opposition and Hay'at Tahrir al Sham at the time of the incident.



## **B. Arbitrary arrest and enforced disappearance:**

### **1. Syrian Regime forces:**

Syrian Regime forces carried out a raid and arrest campaign on Saturday, November 2, in the cities of Douma and Harasta in Eastern Ghouta in Damascus Suburbs governorate. SNHR documented the arrest of 15 civilians, who were taken to an undisclosed location.

Abdul Jalil Hotari, a 45-year-old teacher from Douma city in the Damascus Suburbs governorate, was arrested by Syrian Regime forces on November 2, 2019, in a raid on his house in Douma city and taken to an undisclosed location. We note that Abdul Jalil had settled his security situation in 2018.

Ahmad Msallam al Ashraf, from Hazza town in Damascus Suburbs governorate, was arrested by Syrian Regime forces on November 2, 2019, in Hazza town, and taken to an undisclosed location. We note that Ahmad had settled his security situation after returning from the location in Idlib governorate to which he had been forcibly displaced in 2018.

## **C. Attacks on vital civilian facilities:**

### **1. Syrian Regime forces:**

On Friday, November 1, 2019, Syrian Regime forces used a missile launcher to fire missiles at the elementary school in [Bdama](#) town in the western suburbs of Idlib governorate, partially destroying the school building, and [igniting a fire](#) in a book storage area inside the school. Bdama town was under the joint control of factions of the Armed Opposition and Hay'at Tahrir al Sham at the time of the incident.

On Sunday, November 3, 2019, Syrian Regime artillery forces fired a number of shells at the [Civil Defense Center](#) in Anadan city in the northern suburbs of Aleppo governorate, causing the [partial destruction](#) of the [center's building](#), and inflicting varying levels of material damage to [its equipment](#) and four vehicles belonging to the center (two [tank](#) trucks, a fire rescue vehicle and a dump truck). We note that the same artillery forces also targeted the center repeatedly over the next two days, putting it out of service. Anadan city was under the joint control of factions of the Armed Opposition and Hay'at Tahrir al Sham at the time of the incident.





Damage to vehicles belonging to the Civil Defense Center in Anadan city, Aleppo, caused by three days of ground attacks by Syrian Regime forces; these photos were taken on November 5, 2019 - Syrian Civil Defense

On Monday, November 4, 2019, fixed-wing (Su-24) Syrian regime warplanes, which took off from the T-4 Airbase in the suburbs of Homs governorate, fired a number of missiles that landed near al Bashiriya Mosque, where al Bashiriya Dispensary had been headquartered on the ground floor, in al Bashiriya village in the western suburbs of Idlib governorate. The missiles landed 100 meters from the mosque, causing moderate material damage to both the mosque and the dispensary. The village was under the joint control of factions of the Armed Opposition and Hay'at Tahrir al Sham at the time of the incident.

On Monday, November 4, 2019, Syrian Regime forces used a missile launcher to fire dozens of missiles consecutively at the neighborhoods of Jisr al Shoghour city in the western suburbs of Idlib governorate, injuring several civilians. In addition, a number of missiles hit

**vital civilian facilities, namely:**

Jisr al Shoghour Dispensary: At around 15:30, a number of missiles fell directly on the [center's building](#), causing the partial destruction of the facility, which is supported by the [Union of Medical Care and Relief Organizations](#) ('UOSSM'), and inflicting moderate material damage to its equipment. We note that the dispensary has been providing services to about 9,000 patients per month.



**Vegetable Market:** The shelling caused the [destruction of a number](#) of [shops](#), and inflicted severe material damage to [the market facilities](#).

**Ambulance belonging to the Civil Defense:** The missiles hit the Civil Defense team of Jisr al Shoghour Center as they were travelling to aid the injured in al Shamali neighborhood of the city, injuring three members of the team, in addition to causing moderate material [damage to an ambulance](#) van. Jisr al Shoghour city was under the joint control of factions of the Armed Opposition and Hay'at Tahrir al Sham at the time of the incident.



Damage to the Jisr al Shoghour Dispensary caused by a ground attack by Syrian Regime forces at the city - November 4, 2019

On Tuesday, November 5, 2019, fixed-wing Syrian regime warplanes fired a number of missiles that landed near the New al Janoudiya Bakery (formerly the al Taqwa Bakery), run by Ataa Relief and Development Organization, in al Janoudiya village in the western suburbs of Idlib governorate. The missiles fell 50 meters from the mosque, [causing moderate](#) material damage to the [bakery's building](#) and [equipment](#). The village was under the joint control of factions of the Armed Opposition and Hay'at Tahrir al Sham at the time of the incident.



## 2. Russian forces:

On Thursday, October 31, 2019, fixed-wing warplanes, which we believe were Russian, fired a number of missiles that landed near al Biras School in the western outskirts of Kaf-ranbel city in the southern suburbs of Idlib governorate. The missiles fell about 50 meters from the school, causing moderate material damage to the school's building and furniture. The city was under the joint control of factions of the Armed Opposition and Hay'at Tahrir al Sham at the time of the incident.

On Thursday, October 31, 2019, fixed-wing warplanes, which we believe were Russian, fired missiles at the Youth for the Future Center in al Fattira village in the southern suburbs of Idlib governorate, causing [partial destruction](#) to the center's building, and causing moderate material damage to [its furniture](#). We note that the center's work had already been suspended for more than five months as a result of the military escalation by Syrian-Russian alliance forces on the fourth de-escalation zone. Al Fattira village was under the joint control of factions of the Armed Opposition and Hay'at Tahrir al Sham at the time of the incident.

On Thursday, 31 October 2019, fixed-wing warplanes, which we believe were Russian, fired a number of missiles that landed near al Huda IDP village - a residential complex dedicated to sheltering IDPs from Hama suburbs - in the northwestern neighborhood of Kafranbel city in the southern suburbs of Idlib governorate. The missiles fell about 50 meters from the village, causing moderate material damage to a number of buildings. The city was under the joint control of factions of the Armed Opposition and Hay'at Tahrir al Sham at the time of the incident.

## V. Conclusions and Recommendations

1. The Syrian-Iranian-Russian alliance forces undoubtedly violated UN Security Council Resolutions 2139 and 2254 to stop indiscriminate attacks, violated a wide range of customary international humanitarian law rules, and also violated articles 7 and 8 of the Rome Statute by committing intentional homicide, all of which crimes constitute war crimes and crimes against humanity.

2. The incidents of bombardment have incidentally caused civilian casualties, including injuries, as well as causing significant damage to civilian objects. There are very strong indications suggesting that the damage was extremely excessive in comparison to the intended military benefit, with the attacks failing to discriminate between civilians and military personnel in most cases. Also, it seems that some of the attacks appear to have deliberately targeted vital facilities and civilian areas.



3. The report issued by the delegates to the 2005 Summit states unanimously that each country had a responsibility to protect its population from crimes against humanity and war crimes. This responsibility entails the prevention of such crimes, the prevention of incitement to commit them by all possible means, and when the state clearly fails to protect its population from egregious crimes, or itself is committing such crimes as in the case of the Syrian regime, it is the responsibility of the international community to intervene to take protective measures in a collective, decisive and timely manner.

### **Recommendations:**

#### **The United Nations special envoy to Syria**

- Condemn the perpetrators of crimes and massacres, and those who are primarily responsible for obstructing the political process.
- Re-sequence the peace process so that it can resume its natural course after Russia's attempts to divert and distort it, empowering the Constitutional Committee prior to the establishment of a transitional governing body.
- Request that the Syrian regime, its Russian ally, and opposition factions to stop all violations and secure good faith measures by stopping the bombing and at least to disclose the fate of the forcibly disappeared persons.

#### **UN Security Council**

- The Security Council must take additional steps following its adoption of Resolution 2254, which clearly insists that "all parties immediately cease any attacks against civilians and civilian objects as such."
- The Syrian issue should be referred to the International Criminal Court and all those who are responsible for violations should be held accountable including the Russian regime whose involvement in war crimes has been repeatedly proven.
- Ensure peace and security and implement the principle of responsibility to protect civilians' lives and to save the Syrian people's heritage and historical artefacts from destruction, looting and vandalism.
- Request that all relevant United Nations agencies make greater efforts to provide food, medical and humanitarian assistance in areas where fighting has ceased, and in internally displaced persons camps, and to follow-up with those States that have pledged voluntary contributions.



## **International Community**

- In light of the split within the Security Council and its utter inability to take any effective action, action should be taken on the national and regional levels to form alliances to support the Syrian people by protecting them from daily killing and by lifting sieges, as well as by increasing support for relief efforts. Additionally, the principle of universal jurisdiction should be enacted in local courts regarding these crimes in order to conduct fair trials for all those who were involved.
- SNHR has repeatedly called for the implementation of the 'Responsibility to Protect' in dozens of studies and reports and as a member of the International Coalition for the Responsibility to Protect (ICRtoP) after all political channels through the Arab League's plan and then Mr. Kofi Annan's plan have proved fruitless, along with the Cessation of Hostilities statements and Astana agreements that followed. Therefore, steps should be taken under Chapter VII of the Charter of the United Nations, while the norm of the 'Responsibility to Protect', which was established by the United Nations General Assembly, should be implemented. The Security Council is still hindering the protection of civilians in Syria.
- Renew pressure on the Security Council to refer the case in Syria to the International Criminal Court.
- Work on fulfilling justice and achieving accountability in Syria through the United Nations General Assembly and the Human Rights Council and to activate the principle of universal jurisdiction.

## **OHCHR**

- The OHCHR should submit a report to the Human Rights Council and other organs of the United Nations on the incidents mentioned in this report and previous reports since these attacks were perpetrated by the parties to the conflict.
- Train Syrian organizations to undertake clearance of mines and other unexploded ordnance, and raise local awareness of the dangers of such ordnance.
- Establish a platform that brings together a number of Syrian organizations active in documenting violations and humanitarian assistance, in order to facilitate an exchange of skills and experiences within Syrian society.

## **Independent International Commission of Inquiry (COI)**

- Launch investigations into the cases included in this report and previous reports. SNHR is willing to cooperate and provide further evidence and data.
- Clearly identify those responsible for the attacks in the event that results reached are likely, especially Russian forces; the reports of the Independent International Commission of Inquiry on the Syrian Arab Republic are virtually devoid of accidents that are responsible for air strikes, with the exception of only one in three years of Russian intervention in Syria.



## **The Syrian regime**

- Stop violating the Syrian constitution by killing Syrian citizens, destroying their homes and disappearing and torturing tens of thousands of them.
- Stop indiscriminate shelling and targeting of residential areas, hospitals, schools and markets, and end the use of outlawed weapons and barrel bombs.
- End the acts of torture that have caused the deaths of thousands of Syrian citizens in detention centers.
- Ensure compliance with UN Security Council resolutions, customary humanitarian law and the Syrian constitution and law.

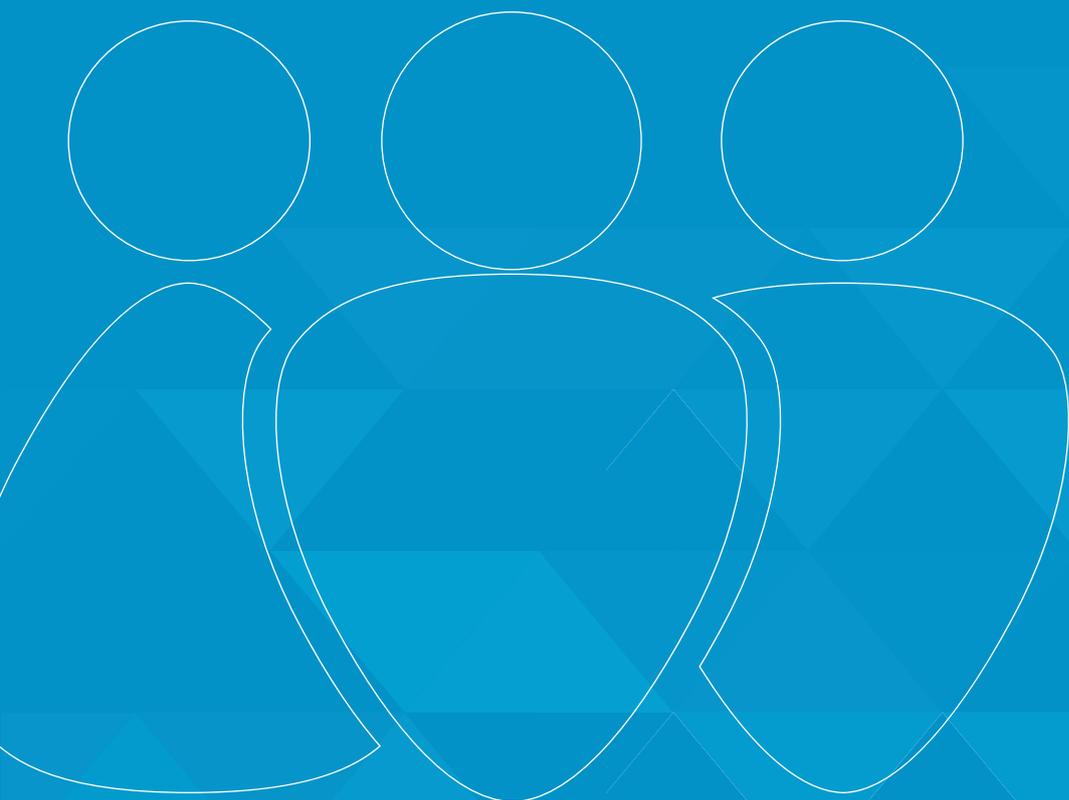
## **The Russian regime**

- Launch investigations into the incidents included in this report, make the findings of these investigations public for the Syrian people, and hold the those responsible accountable.
- Compensate all the damaged centers and facilities, rebuild and rehabilitate them, and compensate all the families of victims who were killed by the current Russian regime, as well as all the wounded.
- Completely cease the bombing of hospitals, protected objects, and civilian areas, and respect customary international law.

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