



"ما كان يجب أن يُقتل"

الهجمات العشوائية لجماعات المعارضة السورية

HUMAN
RIGHTS
WATCH



“He Didn’t Have to Die”

Indiscriminate Attacks by Opposition Groups in Syria

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Summary

The internal uprising turned armed conflict in Syria that began in 2011 has taken a terrible toll on civilians. The harms to civilians have been greatly magnified by deliberate and indiscriminate attacks by Syrian government forces and militias and various armed groups. Human Rights Watch has extensively documented unlawful attacks by government armed forces and pro-government militias. These include their use of banned weapons – chemical and incendiary shells, cluster munitions, and antipersonnel landmines – and weapons that are indiscriminate when used in populated areas – such as rockets, heavy artillery, fuel-air explosives and, increasingly, improvised “barrel bombs.”

This report looks at violations by armed groups opposed to the Syrian government between January 2012 and April 2014. It examines in detail indiscriminate attacks with car bombs, mortars and unguided rockets in heavily populated, government-controlled areas that have killed hundreds of civilians in Damascus and in Homs in central Syria.

The report is based on victim and witness accounts, on-site investigations, publicly available videos, and other research. The report covers attacks in central Damascus and Sayida Zeinab and Jaramana in Damascus Countryside governorate, and attacks in the neighborhoods of al-Zahra, Akrama, al-Nazha, and Bab Sba` in the city of Homs, and in the village of Thabtieh near Homs. We selected these neighborhoods to conduct our investigations because they were among those most prone to attack by opposition groups and because of our ability to visit them.

The areas investigated for this report are populated areas predominately occupied by religious minorities, including Shias, Alawites, Druze, and Christians, and were in close proximity to neighborhoods under the control of opposition groups. Exceptions were Bab Sba`, which is a predominately Sunni neighborhood with some Christian residents, and central Damascus, which is a mixed neighborhood of various faiths.

Human Rights Watch’s research allowed us to reach conclusions about the likely place from where an artillery or rocket attack came. However, among the many opposition armed groups we were not able to pinpoint the specific groups responsible for specific attacks. We have sought to differentiate the various groups that were engaged in military

operations against the Syrian government in the areas covered, including the Free Syrian Army, the Islamic Front, the Islamic State, also known as ISIS, Jabhat al-Nusra, and other armed groups.

Human Rights Watch found that in the areas we could visit, neighborhoods under government control inhabited predominately by religious minorities were subject to more indiscriminate attacks by opposition groups than areas that were largely majority Sunni. Public statements by opposition armed groups provided strong evidence that these groups considered the religious minorities to be backing the Syrian government or that the attacks were in retaliation for government attacks on Sunni civilians elsewhere in the country.

Car Bombings and Improvised Explosive Devices

Opposition armed groups began using car bombs and improvised explosive devices (IEDs), sometimes in suicide attacks, in areas under government control in 2012. Initial attacks targeted state security forces and outposts, but the groups soon began to carry out bombings in populated areas without evident military targets.

Human Rights Watch collected information on 17 car bombings and other IED attacks between January 2012 and April 2014 in Jaramana in Damascus Countryside, one in central Damascus, six in neighborhoods of al-Zahra, Akrama, and al-Nazha in the city of Homs, and one in the village of Thabtieh near Homs.

The car bombings took place in commercial and residential areas, squares in the center of towns, and in one case at a local cemetery during a funeral. Since April 2014, car bombings have continued, including a twin bombing on October 1 just outside of an elementary school in Akrama, Homs that reportedly killed dozens of civilians, mostly children.

In all of the incidents investigated by Human Rights Watch, witnesses said there were no military targets anywhere near the site of the bombing. Besides being indiscriminate, as outlined in this report, several factors indicated that many of these attacks were intended primarily to spread terror among the civilian population, in violation of international law. In several car bombings, two bombs were set off consecutively in the same vicinity, one shortly after the other, in an apparent attempt to maximize the number of deaths and injuries.

In most of the car bombings Human Rights Watch investigated, such as the September 2013 car bombing in al-Wahda Square in Jaramana, no armed group claimed responsibility. However, the extremist Islamist groups Jabhat al-Nusra and ISIS claimed responsibility for some of these car bomb attacks, such as the bombing on October 24, 2013 on al-Ahram Street near the al-Nazha Square in Homs killing at least three people and injuring dozens. Jabhat al-Nusra claimed responsibility for the bombing, saying that it was a reaction to the government's attacks against Sunni neighborhoods.

Indiscriminate Shelling of Populated Areas

Opposition armed groups frequently fired mortars, locally made rockets, and other artillery into Damascus and its environs and Homs, in apparently indiscriminate attacks that caused numerous civilian casualties. Human Rights Watch collected information on hundreds of artillery attacks on Jaramana, dozens of them taking place in October and November 2013 alone. These attacks struck at or near at least six schools that were operational at the time, two hit aid and shelter facilities, and four hit residential areas in central parts of the city.

In Damascus and Damascus Countryside, in all but two cases, interviews with witnesses and visits to attack sites uncovered no evidence of military targets in the vicinity, making the attacks on civilians indiscriminate and possibly deliberate. In two instances a military checkpoint was nearby, but the attack carried out was still evidently indiscriminate. According to witness accounts, on-site investigations, and public statements from armed groups, most of the shelling on Damascus and Damascus Countryside documented in this report appeared to originate from Jobar, Beit Sahm, Ain Terma, Shabha, and Mleha – areas that were then under the control of opposition armed groups.

In Homs, opposition armed groups had been losing territory to government forces, but from January 2013 through April 2014 they used their positions there to shell government-held territory. They have frequently asserted in public statements that such attacks target government forces that have regularly attacked them. Nonetheless, interviews with witnesses and visits to attack sites uncovered no evidence of military targets in the vicinity of strike sites, making the attacks on civilians indiscriminate and possibly deliberate. Reports and witness testimony reflect that the only military target struck in Jaramana was the headquarters of the National Defense Forces.

More than a dozen armed groups were involved in shelling government-held areas in Homs and Damascus. As a result, Human Rights Watch has been unable to link specific attacks with the armed group responsible. However, we were able to identify the groups that were conducting such operations during the time period covered in the report.

Justifying the Attacks and International Law

International humanitarian law, or the laws of war, applies to the armed conflict in Syria. All parties to the armed conflict, including opposition armed groups, are prohibited from conducting direct attacks on civilians, attacks made with no effort to distinguish between civilians and combatants, and attacks that cause civilian harm disproportionate to the expected military gain. Individuals who plan, order, or carry out unlawful attacks with criminal intent are subject to prosecution for war crimes, including as a matter of command responsibility.

In many instances, opposition armed groups have sought to justify indiscriminate car bombings or artillery attacks on populated areas by claiming that they were targeting *shabiha* strongholds. The term *shabiha* refers specifically to pro-government militias but has also been used for government supporters and others presumed to be loyal to the government, including minority Alawites and Shia. In some cases, the armed groups said attacks were in reprisal for government attacks against civilians elsewhere in the country.

The justifications presented reflect the view among some armed groups that all means are legitimate to fight the government of President Bashar al-Assad, that those living in areas under government control may be attacked in retaliation for attacks on civilians in opposition held areas, and that populations perceived as associated with or supporting the government are subject to attack.

International humanitarian law rejects such arguments. Respect for the law does not depend on reciprocity – that one side only need to obey the law if the other side does so – but each party has its own obligation to act in accordance with the law regardless of the other side’s actions. If this were not the case – and the widespread abuses by all sides in the Syrian conflict are evidence of this – violations by one side would simply encourage violations by the other, creating a deadly spiral of atrocity.

Not only should all military forces and armed groups in Syria cease unlawful attacks, but influential supporters, including political and religious leaders in Syria and abroad which have taken sides in the conflict in Syria, should condemn them for the harm they inflict upon civilians. Governments and individuals who provide military assistance to belligerents that commit widespread or systematic violations of the laws of war risk being complicit in those abuses and should stop their assistance.

By documenting these abuses, Human Rights Watch is challenging the disregard for international law endorsed by some opposition armed groups in Syria. Regardless of the well documented violations committed by the Syrian government and pro-government militias, armed groups are obligated to abide by international humanitarian law. International humanitarian law is not intended to create parity between parties to a conflict, or to assess their violations in light of their relevant capacities, but to minimize harm to the civilian population and other non-combatants.

In February 2014, the UN Security Council adopted Resolution 2139 demanding that “all parties immediately cease all attacks against civilians, as well as the indiscriminate employment of weapons in populated areas, including shelling and aerial bombardment, such as the use of barrel bombs, and methods of warfare which are of a nature to cause superfluous injury or unnecessary suffering.” Yet, the unlawful attacks by all parties to the conflict in Syria continue.

Human Rights Watch calls on all parties to the conflict to abide by the laws of war, especially by immediately ending all deliberate, indiscriminate and disproportionate attacks against civilians. Those responsible for abuses should be appropriately held to account.

Explosive weapons have killed and injured thousands of Syrian civilians since 2012. Both government forces and opposition armed groups in Syria should halt their use of explosive weapons with wide effects in populated areas.

We reiterate our longstanding call for the UN Security Council to refer the situation in Syria to the International Criminal Court and for the Security Council to impose an arms embargo on those forces credibly implicated in widespread or systematic serious abuses, until such time as the abuses end and perpetrators are held to account.

Recommendations

To Opposition Groups in Syria

- Abide by the laws of war, especially by immediately ending all deliberate, indiscriminate and disproportionate attacks against civilians;
- Cease all use of explosive weapons with wide area effects in populated areas;
- Take appropriate disciplinary measures against members who commit violations of the laws of war or other abuses;
- Cease cooperation and coordination with armed groups credibly found to systematically perpetrate abuses against the civilian population;
- Publicly condemn unlawful attacks against civilians by opposition groups.

To the Syrian Government

- Abide by the laws of war, especially by immediately ending all deliberate, indiscriminate and disproportionate attacks against civilians;
- Cease all use of explosive weapons with wide area effects in populated areas;
- Investigate alleged violations of the laws of war and other abuses, and discipline or prosecute as appropriate members of the state security forces responsible;
- Provide immediate and unhindered access and cooperation to Syria to the UN Office of the High Commissioner for Human Rights and the UN Human Rights Council Commission of Inquiry on Syria.

To the UN Security Council

- Refer the situation in Syria to the International Criminal Court;
- Following on the non-compliance with Security Council Resolution 2139, adopt targeted sanctions on commanders from all sides whose subordinates are implicated in serious abuses or who are themselves responsible for serious abuses;
- Following on the non-compliance with Security Council Resolution 2139, require states to suspend all military sales and assistance, including technical training and services, to all forces credibly implicated in the commission of widespread or systematic violations of international human rights or humanitarian law in Syria

until such time as they stop committing these abuses and perpetrators are fully and appropriately held to account;

- Demand that the Syrian government and opposition groups cooperate fully with the UN Human Rights Council Commission of Inquiry, including by giving it unrestricted access anywhere in Syria;
- Demand safe and unimpeded access anywhere in Syria for independent human rights organizations.

To Countries Supporting Opposition Groups

- Publicly condemn abuses committed by opposition groups and urge them to cease deliberate, indiscriminate and disproportionate attacks against civilians;
- Deny any armed group committing systematic or widespread violations of international human rights and humanitarian law assistance until such time as they stop committing these abuses and perpetrators are fully and appropriately held to account;
- Increase monitoring and restrict money transfers to armed groups implicated in systematic or widespread abuses, and enhance border controls to stem the flow of foreign fighters to such groups.

To All Countries

- Publicly condemn abuses committed by opposition groups and the Syrian government;
- Adopt, unilaterally or jointly through regional mechanisms as appropriate, targeted sanctions against leaders and commanders credibly implicated in serious violations of international human rights and humanitarian law in Syria;
- Investigate and appropriately prosecute, under the principle of universal jurisdiction and in accordance with national laws, members of the Syrian armed forces, of pro-government militias, and of opposition armed groups who are criminally liable for international crimes in Syria;
- Call on the UN Security Council to refer the situation in Syria to the International Criminal Court, as the forum most capable of effectively investigating and prosecuting those bearing the greatest responsibility for serious international crimes in Syria.

Methodology

This report is based primarily on a field investigation in November 2013 by Human Rights Watch researchers to Homs, Damascus and Damascus Countryside governorates to look at attacks against civilians by armed groups opposed to the Syrian government. Human Rights Watch requested and received permission from the Syrian government to visit the country for the purpose of conducting this investigation. We have also examined reports of alleged unlawful attacks by opposition groups against government-controlled areas in Aleppo, as well as the besieged towns of Nubul and Zahra, but Human Rights Watch was not been able to visit these areas for security reasons and they are not included in this report.

Syrian government officials or security personnel did not limit the movements of our staff conducting this research and did not restrict to whom researchers spoke in the areas visited. Government officials and security personnel were not present during interviews with residents or other non-government witnesses to attacks.

During the investigation in Syria, Human Rights Watch interviewed in person 86 individuals, including victims and their family members, witnesses to attacks and their aftermath, hospital staff, Syrian government officials including security personnel, and members of Syria's National Defense Forces. Many were residents of neighborhoods in Homs and Damascus neighboring or in close proximity to territory held by opposition groups. Human Rights Watch selected the neighborhoods where it conducted its investigations based on those most prone to attack by opposition groups. These neighborhoods included Jaramana, the old city of Damascus, Sayida Zeinab, Akrama, al-Nazha, and al-Zahra, areas with a high concentration of religious minorities, including Druze, Shias, Alawites, and Christians. They also included some areas, such as central Damascus and Bab Sba`, with mixed demographics.

Human Rights Watch also interviewed by telephone and in Lebanon four additional victims and witnesses.

All interviews were conducted in Arabic or with the assistance of an Arabic interpreter. Human Rights Watch explained the purpose of the interviews to interviewees and obtained their consent to use the information they provided in this report. Interviewees did not receive any compensation.

In all cases Human Rights Watch has not identified interviewees because naming them could jeopardize their security. Many specifically asked not to be named for this reason.

We corroborated much of the information gathered from witnesses through our own onsite investigation as well as through analysis of photos, video footage, and other publicly available information about the attacks. Human Rights Watch reviewed over 150 videos posted on YouTube by activists and members of opposition groups before, during, and in the immediate aftermath of the attacks documented in this report. We also reviewed photographs and footage filmed by local residents and media outlets close to the Syrian government. Human Rights Watch retains copies of all online videos cited in this report and of the information cited from social media sites.

In addition, Human Rights Watch obtained hospital records from the staff at hospitals in Damascus and Homs to corroborate witness statements and compile information about overall death and injury rates from car bombings and artillery attacks in areas served by the hospitals.

Information about which opposition groups were involved in the operations was gathered primarily through a review of public statements made by the groups and on social media sites, and a review of other publicly available sources including media reports.

I. Background: From Violent Crackdown to Armed Conflict

After anti-government protests began in March 2011, Syrian government forces, including the army and security services supported by militias, frequently used lethal force against largely peaceful demonstrators. Unable to quell the protest movement, in April 2011 the Syrian army launched military assaults against restive parts of the country.¹

Government forces committed a range of human rights violations in the context of these operations including arbitrary arrests, torture, extrajudicial executions, and unlawful killings.² As government military forces increasingly engaged in operations, some opposition groups began arming themselves and conducting both offensive and defensive operations against government forces. A group of defectors from the Syrian army announced on July 29, 2011 the creation of the Free Syrian Army.³

In February 2012 the Syrian government launched a major offensive and started using mortars and artillery to bombard residential neighborhoods in Homs and other areas under the control of opposition groups.⁴ The Syrian air force soon began indiscriminately striking populated areas using aircraft.⁵ By late May, helicopters were carrying out attacks almost daily, particularly against opposition-controlled areas in northern Syria.⁶ The Syrian

¹ Human Rights Watch, *Syria—We’ve Never Seen Such Horror: Crimes Against Humanity by Syrian Security Forces*, June 1, 2011, <http://www.hrw.org/sites/default/files/reports/syria0611webwcover.pdf>; “Syria: At Least 16 Killed in Last 48 Hours,” Human Rights Watch news release, July 6, 2011, <http://www.hrw.org/news/2011/07/06/syria-shootings-arrests-follow-hama-protest>; “Syria: Mass Arrest Campaign Intensifies Activists,” Human Rights Watch news release, July 20, 2011, <http://www.hrw.org/news/2011/07/20/syria-mass-arrest-campaign-intensifies>; “Syria: Attacks on Religious Sites Raise Tensions,” Human Rights Watch news release, January 23, 2013, <http://www.hrw.org/news/2013/01/23/syria-attacks-religious-sites-raise-tensions>.

² Human Rights Watch, *We’ve Never Seen Such Horror*; Human Rights Watch, *Syria—We Live as in War: Crackdown on Protestors in the Governorate of Homs*, November 11, 2011, http://www.hrw.org/sites/default/files/reports/syria1111webwcover_o.pdf; Human Rights Watch, *Syria—By All Means Necessary: Individual and Command Responsibility for Crimes Against Humanity in Syria*, December 15, 2011, http://www.hrw.org/sites/default/files/reports/syria1211webwcover_o.pdf.

³ “Defected officers declare the formation of Syrian Free Army,” July 29, 2011, video clip, YouTube, <http://www.youtube.com/watch?v=Rk7Ze5jVCj4>, (accessed February 11, 2015).

⁴ “Syria: Stop Shelling Residential Areas,” Human Rights Watch news release, February 9, 2012, <http://www.hrw.org/news/2012/02/09/syria-stop-shelling-residential-areas>.

⁵ See for example: “Plane bombed the city of the Izaz,” March 22, 2012, video clip, YouTube, <http://youtu.be/LVHbcE7Sw5k> (accessed February 9, 2015).

⁶ Helicopters used in the attacks have consisted mostly of Russian-built Mi-8/17 transport helicopters (which comprise the bulk of Syria’s active helicopter force) and several Mi-25 attack helicopters. Institute for the Study of War, “Syrian Air Force Air Defense Overview,” October 25, 2012, <http://www.understandingwar.org/press-media/graphsandstat/syrian-air-force-air-defense-overview> (accessed February 9, 2015).

government's reliance on air power rapidly increased, and on July 24, 2012, media outlets reported the first attack using jet aircraft against Aleppo city.⁷

By mid-2012, Human Rights Watch and the International Committee of Red Cross (ICRC) each publicly concluded that the fighting in Syria amounted to a non-international armed conflict, which meant that the laws of war applied to the parties to the conflict.⁸

Human Rights Watch documented large-scale human rights and laws-of-war violations by government security forces and pro-government armed groups, amounting to war crimes and crimes against humanity. Government forces have repeatedly conducted indiscriminate attacks using airpower and artillery against opposition-controlled areas resulting in numerous civilian casualties.⁹ In some cases government forces have also shelled areas where they perceived the local population to be sympathetic to opposition groups but where there were no military forces.¹⁰

During offensive operations against government forces, some opposition groups also perpetrated abuses during offensive ground operations, including executions, kidnappings and indiscriminate attacks.¹¹

Abuses against civilians perpetrated by opposition groups have increased as foreign fighters have come into the country in greater numbers and as extremist Islamist groups have become key players in the fighting against the Syrian government. Jabhat al-Nusra, an armed extremist group, announced its formation in January 2012 and publicly pledged

⁷ "Syria conflict: Aleppo bombed by fighter planes," *BBC News*, July 24, 2012, <http://www.bbc.co.uk/news/world-18973719> (accessed February 11, 2015).

⁸ Human Rights Watch, *Syria—They Burned my Heart: War Crimes in Northern Idlib during Peace Plan Negotiations*, May 3, 2012, <http://www.hrw.org/fr/node/106871>; ICRC, "Syria: ICRC and Syrian Arab Red Crescent maintain aid effort amid increased fighting," July 17, 2012, <https://www.icrc.org/eng/resources/documents/update/2012/syria-update-2012-07-17.htm>, (accessed February 11, 2015).

⁹ Human Rights Watch, *Syria—Death from the Skies: Deliberate and Indiscriminate Air Strikes on Civilians*, April 10, 2013, http://www.hrw.org/sites/default/files/reports/syria0413webwcover_1_o.pdf; See, e.g., "Syria: New Satellite Images Show Homs Shelling," Human Rights Watch news release, March 2, 2012, <http://www.hrw.org/news/2012/03/02/syria-new-satellite-images-show-homs-shelling>.

¹⁰ *Ibid.*

¹¹ See, e.g., "Syria: Armed Opposition Groups Committing Abuses," Human Rights Watch news release, March 20, 2012, <http://www.hrw.org/news/2012/03/20/syria-armed-opposition-groups-committing-abuses>; "Syria: Opposition Abuses During Ground Offensive," Human Rights Watch news release, November 19, 2013, <http://www.hrw.org/news/2013/11/19/syria-opposition-abuses-during-ground-offensive>.

its allegiance to al-Qaeda's Ayman al-Zawahiri in a YouTube video posted in April 2012.¹² The extremist group Islamic State (also known as ISIS), announced its creation in April 2013.¹³ These groups are responsible for systematic abuses including the intentional targeting and abduction of civilians during military operations.

In addition to attacks in Damascus, Damascus Countryside, and Homs, armed groups opposed to the government also shelled the villages of al-Zahraa and Nubul in the Aleppo countryside in what appeared to be indiscriminate attacks. The villages, whose residents are Shia, have been under siege since July 2012 and have been hit with improvised artillery locally referred to as "hell's cannon" and other locally produced rockets.¹⁴

In addition to small arms, opposition groups in Syria have access to a wide array of weapons, including Grad rockets, mortars, anti-tank guided missiles (Kornet and Konkurs), anti-aircraft artillery cannons, and rocket launchers.¹⁵

¹² Stanford, "Mapping Militant Organizations: Jabhat al-Nusra," <http://web.stanford.edu/group/mappingmilitants/cgi-bin/groups/view/493> (accessed February 12, 2015); Quilliam Foundation, "Jabhat al-Nusra li-ahl al-Sham min Mujahedi al-Sham fi Sahat al-Jihad: A Strategic Briefing," <http://www.quilliamfoundation.org/wp/wp-content/uploads/publications/free/jabhat-al-nusra-a-strategic-briefing.pdf> (accessed February 12, 2015).

¹³ The Washington Institute for Near East Policy, "Al-Qaeda Announces an Islamic State in Syria," April 9, 2013, <http://www.washingtoninstitute.org/policy-analysis/view/al-qaeda-announces-an-islamic-state-in-syria> (accessed February 12, 2015).

¹⁴ Human Rights Council, "Report of the independent international commission of inquiry on the Syrian Arab Republic," A/HRC/27/60, August 13, 2014, http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session27/Documents/A_HRC_27_60_ENG.doc (accessed February 17, 2015) para. 106; Human Rights Council, "Report of the Independent International Commission of Inquiry on the Syrian Arab Republic," A/HRC/23/58, June 4, 2013, http://www.ohchr.org/Documents/HRBodies/HRCouncil/ColSyria/A-HRC-23-58_en.pdf (accessed February 17, 2015) para. 147.

¹⁵ "Ahrar al-Sham bombs the Tifour military airport, in Homs suburb with Grad rockets," October 22, 2013, video clip, YouTube, https://www.youtube.com/watch?v=KEE7_r991to (accessed February 19, 2015); "Ugarit, Failaq al-Sham in rural northern Homs rains down Grad missiles on pro-regime neighborhoods in Homs," [n.d.] video clip, YouTube, <https://www.youtube.com/watch?v=qP5bDFoGkh4>, (accessed February 11, 2015); "Syrian Islamic Front, Liwa al-Haq: Shelling of al-Qabu with long-range Grad missiles," [n.d.], video clip, YouTube, https://www.youtube.com/watch?v=tAWosvN1_1&list=UUxe3DL89LgEfanxqqaX-lxg (accessed February 11, 2015); "Ahfad al-Rasoul Brigades in Homs fire Grad missiles at *shabiha* strongholds in Homs 4," [n.d.], video clip, YouTube, <https://www.youtube.com/watch?v=XJUp9Gig3jg> (accessed, February 11, 2015); "Revolution of Ahrar al-Sham in Homs [fire] mortar at the Khalidiya neighborhood," March 20, 2012, video clip, YouTube, <https://www.youtube.com/watch?v=cuvRO52AOyo> (accessed February 11, 2015); "Ahfad al-Rasoul Brigades in Homs, al-Ahd Billah Brigade target *shabiha* with mortars," [n.d.], video clip, YouTube, https://www.youtube.com/watch?v=LGj_EDRt6OK&list=UUynKDF8n72_nAJW8W6WC15g (accessed February 11, 2015); "Farouq al-Hisn and Jund al-Sham target *shabiha* strongholds with mortars in the village of Qumayri," [n.d.], video clip, YouTube, <https://www.youtube.com/watch?v=LOVKWbEksqs&list=UUze4XxdkgspHA4eUZ-evUzQ> (accessed February 11, 2015); "Tank sniper, Ahrar al-Sham in rural Homs destroys 57 [mm] artillery with Kornet missile," [n.d.], video clip, YouTube, <https://www.youtube.com/watch?v=oTMBVEPau24> (accessed February 11, 2015); "Syrian Islamic Front, Liwa al-Haq: Tank blown up with Konkurs missile on the 'Amiri front,'" November 21, 2013, video clip, YouTube, <https://www.youtube.com/watch?v=2zsCHOVI-w8&list=UUxe3DL89LgEfanxqqaX-lxg> (accessed February 11, 2015).

Opposition groups have also fabricated and used various improvised explosive devices including car bombs, rockets, mortars, grenades and landmines.¹⁶

Opposition groups began using car bombs and suicide bombers in areas under government control to target security force members and infrastructure in late 2012. In some attacks of this kind dozens of civilians were reportedly killed or injured.¹⁷ In other cases, car bombs, suicide attacks, and improvised explosive devices in government-held territory appeared to directly target civilians. The extremist groups Jabhat al-Nusra and ISIS claimed responsibility for some of these attacks.

The rampant indiscriminate attacks causing numerous civilian casualties by both Syrian government forces and armed groups opposed to the government resulted in the UN Security Council on February 22, 2014 unanimously passing Resolution 2139 ordering all parties to the conflict in Syria to end the indiscriminate use of weapons in populated areas.¹⁸

¹⁶ Allan Taylor, "DIY Weapons of the Syrian Rebels," *The Atlantic*, February 20, 2013, <http://www.theatlantic.com/infocus/2013/02/diy-weapons-of-the-syrian-rebels/100461/> (accessed February 11, 2015).

¹⁷ Car Bombs Hit Aleppo," *AFP*, October 4, 2012, <http://nation.com.pk/international/04-Oct-2012/car-bombs-hit-aleppo> (accessed February 11, 2015); "Ministry of Interior: 34 Martyred, 122 Injured in Aleppo Terrorist Bombings," *SANA*, October 3, 2012, <http://www.syriaonline.sy/?f=Details&catid=12&pageid=3820> (accessed February 11, 2015). Patrick J. McDonnell, "Bomb rocks Damascus as peace envoy meets with Assad," *Los Angeles Times*, October 21, 2012, http://latimesblogs.latimes.com/world_now/2012/10/damascus-bomb-peace-envoy.html (accessed February 11, 2015); "Huge explosion hits the Old City of Damascus killing at least 13 as Syrian unrest continues," *Associated Press*, October 21, 2011, <http://www.independent.co.uk/news/world/middle-east/huge-explosion-hits-the-old-city-of-damascus-killing-at-least-13-as-syrian-unrest-continues-8219633.html> (accessed February 11, 2015); "Thirteen People Martyred, 29 Injured in Bab Touma Terrorist Blast," *Syrian Arab News Agency*, October 21, 2012; Karin Laub and Barbara Surk, "Syria Bombings: Twin Suicide Bombs Kill At Least 20 Troops in Daraa," *Associated Press*, November 10, 2012, http://www.huffingtonpost.com/2012/11/10/syria-bombings-daraa_n_2108860.html (accessed February 11, 2015).

¹⁸ United Nations Security Council, Resolution 2139 (2014), S/RES/2139 (2014) http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_res_2139.pdf (accessed February 11, 2015).

II. Unlawful Attacks in Damascus and Damascus Countryside Governorates

Jaramana

The city of Jaramana, located in Damascus Countryside governorate, is 10 kilometers southeast of the capital. Armed groups opposed to the government have not captured Jaramana but took over neighboring Mleha to the east, Beit Sahm to the south, and Ain Terma to the north, as part of their offensive on the area in 2012 and 2013 (see Section on Opposition Groups below).

Since 2012, Jaramana, which historically has a predominately Druze and Christian community, has had a large number of internally displaced persons who have escaped fighting in other parts of the country. There is also a significant minority of Iraqi refugees who have resided in the city since the start of the 2003 Iraq war.

The head of the media office for the National Defense Forces, a pro-government militia, in Jaramana told Human Rights Watch that before the conflict 700,000 people were living in Jaramana but that since then the population had risen to 1 million.¹⁹

Jaramana was never a site of active public protests against the Syrian government, although some media reports state that the government took steps to stop demonstrations from taking place there.²⁰

Starting as early as spring 2012, anti-government armed groups neighboring the city have periodically subjected Jaramana to artillery shelling and car bombings. Human Rights Watch conducted on-site investigations of six car bombings in Jaramana that caused civilian casualties. Human Rights Watch also collected information on 11 other bombings all except one of which reportedly caused civilian casualties and hundreds of artillery attacks that appear to have indiscriminately caused civilians casualties. The car bombings

¹⁹ Human Rights Watch interview with NDF media chief in Jaramana, Jaramana, November 5, 2013.

²⁰ Lina Sinjab, "Syria's minorities drawn into conflict," *BBC News*, August 22, 2012, <http://www.bbc.com/news/world-middle-east-19319448> (accessed February 11, 2015).

took place between April 2012 and April 2014, and the artillery attacks between January 2013 and April 2014.

In November 2013 a doctor from the al-Radi Specialist Hospital in Jaramana, one of the three main hospitals in the area, told Human Rights Watch that between October 2012 and November 2013 he estimated 100 civilians had been killed and were taken to the hospital and that over 1,200 injured were treated at the hospital with an estimated 90 percent of the injuries and deaths resulting from explosions caused by shelling and car bombs.²¹ He said that, based on information received from activists in the city who were documenting the attacks, around 2,600 mortar rounds had struck the area.

The Jaramana council also provided Human Rights Watch a list of 11 people killed in IED attacks, 88 in car bombings, and 35 from mortars (134 total) between July 11, 2012 and May 16, 2013.²²

Car Bombs

Human Rights Watch investigated six car bombings in Jaramana between January 1, 2012 and April 30, 2014 that resulted in civilian fatalities and injuries. In none of the six attacks did Human Rights Watch find evidence of a military target at the time of the attack. The absence of a military target renders an attack indiscriminate.

These bombings killed at least 121 civilians and injured dozens more. The evidence compiled about the incidents was based on an on-site investigation in which Human Rights Watch visited the sites of the explosions and directly spoke to witnesses. In addition to the six cases, Human Rights Watch collected information from publicly available sources including videos and statements by local monitoring groups about an additional eleven bomb attacks in Jaramana, but was not able to independently verify the information.

All of the bombings documented by Human Rights Watch occurred in commercial and residential areas of Jaramana, including squares in the center of the city, and in one case at a local cemetery during a burial.

²¹ Human Rights Watch interview with doctor from the al-Radi Specialist Hospital, Jaramana, November 4, 2013.

²² Records on file with Human Rights Watch.

In most cases, no group claimed responsibility for the car bombings in Jaramana, although residents who spoke to Human Rights Watch believed that armed groups opposed to the government were responsible for the attacks. In one case, media reports stated that ISIS claimed responsibility for a car bombing on July 25, 2013 in Swords Square in Jaramana, which reportedly killed 17 people and injured over 30.²³ In another case, Jabhat al-Nusra claimed responsibility for a bombing in Jaramana on October 19, 2013.²⁴ Jabhat al-Nusra has claimed responsibility for numerous other car bombings in Syria.²⁵

August 28, 2012 Attack on Funeral

On August 28, 2012, a car bomb exploded in front of the cemetery entrance in the Tishreen/al-Turbi neighborhood during a funeral, according to two witnesses.²⁶ No publicly available information indicates that any group claimed responsibility for the bombing. Bassel, a witness to the bombing, told Human Rights Watch that earlier in the day two civilians had been killed in mortar strikes on the city and were being buried at about 2:30 p.m. when a car across the street from the cemetery entrance exploded;

I was at the door of the cemetery...Lots of people were standing next to the car that exploded... [Two men I know died in the attack]. They were in their 30s. After the explosion I was hit in the back with metal shrapnel... It [the car] parked there one hour before the explosion. I parked next to it and saw that it was parked incorrectly, closing the street, but I didn't think about it.²⁷

Daoud, another witness, told Human Rights Watch that a third man he knew was also killed in the attack. He said that the individuals that were killed were civilians and that no military targets were in the vicinity of the explosion at the time of the attack.

²³ "Images of the terrorist explosion that occurred in Swords Square, in Jaramana a Damascus Suburb," July 25, 2013, video clip, YouTube, <https://www.youtube.com/watch?v=cWPumufdAas> (accessed February 11, 2015); "The Islamic State in Iraq and al-Sham Claims Responsibility for Jaramana Explosion," *al-Mayadeen online*, July 25, 2013, <https://www.almayadeen.net/ar/NewsCast/oYs13fkpfkSs2alGAN578Q/11/2013-07-25>, (accessed February 17, 2015); The Islamic State in Iraq and al-Sham Organization, Part of al-Qaeda, Claims Responsibility for Explosion in Jaramana," *al-Mada news*, July 25, 2013, <http://bit.ly/1Fy2n30> (accessed February 17, 2015).

²⁴ "Thameco lab targeted and stormed in eastern Ghouta in rural Damascus," post to Free Syrian Army (blog), October 21, 2013, <http://www.syrianarmyfree.com/vb/showthread.php?t=57054> (accessed February 12, 2015).

²⁵ "Syria: Car Bombs, Mortars Hit Residential Areas," Human Rights Watch news release, May 1, 2014, <http://www.hrw.org/news/2014/05/01/syria-car-bombs-mortars-hit-residential-areas>.

²⁶ Human Rights Watch interview with Bassel and Daoud, Jaramana, November 4, 2013.

²⁷ Human Rights Watch interview with Bassel, November 4, 2013.

Records obtained by Human Rights Watch from the Jaramana council state that seven people were killed on August 28 in the al-Turbi neighborhood from a car bombing: Samer Basseem Hamza, Deeb Sleim Masoud, Marah Fadel Abduh, Imad Hasseeb Abu Raslan, Kamal Fareed Abd al-Salam, Amar Imad al-Ghoutani, Melad Mansour Abu Dargham.²⁸ Alaa Fayeze Imad is reported as having died on August 30 from a car bombing in al-Turbi. The Jaramana News Network, a local network reporting on events in Jaramana, reported that the car bombing in al-Turbi on August 28 killed 12 people. Eight of those killed were adults. They include four of the men named above, including Alaa, and Yasser Hussein, Amer Ghanem, Farah Fadel, Louay Kashi. The four others were children: Farah Fadel, Karam Ghassan Mehio, Mazen Hamza, and Muhannad Muhammad Aloulou.²⁹ Forty-eight others, including children, were reportedly injured.³⁰

September 3, 2012 Attack in al-Wahda Square

On September 3, 2012 at about 12:15 p.m., up to eight people were reportedly killed, including one or two children, and 27 wounded in a car bombing near al-Wahde Square in Jaramana, according to media reports, local monitoring groups and witnesses.³¹ The Jaramana News Network reported that the dead included Hani Abu Bakr, Lucabier Yacubian, Samaher al-Durra, Mazen al-Sahnawi, Ayham Habash, Chantalle Awad (a child), and two unknown persons.³² The Jaramana council recorded these fatalities except for Ayham Habash, and also named Ghassib Mhanna and Alma Habash.³³ Based on publicly available information, no armed group appears to have claimed responsibility for the bombing. Human Rights Watch visited the scene of the bombing in November 2013 and spoke to three witnesses to the attack. Each said that all the victims were civilians.

²⁸ Records on file with Human Rights Watch.

²⁹ "Jaramana News," Facebook, https://www.facebook.com/permalink.php?id=331362070315176&story_fbid=401987393252643 (accessed February 11, 2015).

³⁰ "Al-Dounia TV, Report on Jaramana," August 28, 2012, video clip, YouTube, https://www.youtube.com/watch?v=_tdedAb3mCE (accessed February 11, 2015).

³¹ "Car bomb rips through Druze Damascus suburb," *The Daily Star*, September 4, 2012, <http://www.dailystar.com.lb/News/Middle-East/2012/Sep-04/186649-car-bomb-rips-through-druze-damascus-suburb.ashx#axzz2XtvDU2do> (accessed February 11, 2015); "Jaramana News," Facebook, https://www.facebook.com/permalink.php?id=331362070315176&story_fbid=401987393252643, (accessed February 11, 2015); See also interviews cited below.

³² "Jaramana News," Facebook, https://www.facebook.com/permalink.php?id=331362070315176&story_fbid=401987393252643, (accessed February 11, 2015).

³³ Records on file with Human Rights Watch.

Ali, who lived nearby, said that he was on the street when the car bomb exploded. Earlier, someone had located an improvised explosive device (IED) at nearby al-Wahde Square and government security forces had gone to dismantle it, he said. Later, a van that was parked in front of his building exploded killing seven people, including two children. He said,

Um Samer Habash was killed with her granddaughter in their home. Hani Abu Bakr was killed and Mazen al-Sahnawi, who was newly married, was also killed. There was also a woman and her daughter, who was about 14, from Homs that were killed. They were standing on the street and died right away.... One Christian person was also killed... One of the men, Mazen was getting people off the street [because of the earlier IED], otherwise the outcome would have been much worse.³⁴

Ali told Human Rights Watch that his mother and some neighbors were also injured in the explosion, and that some of those not physically injured still suffered psychologically. “My son... is really affected,” he said. “He is not speaking and really needs some counseling and health services.”³⁵

Carla, a woman who worked in a nearby store, told Human Rights Watch that after the bomb went off, “I just heard the screaming. My arms, legs, and chest were cut by the window glass. It was very fine glass.”³⁶

Karim, whose 42-year-old son was killed in the blast, told Human Rights Watch he was nearby when the bomb exploded:

I was in my shop [about 100 meters from the explosion]. ...People were saying there was an IED in the street [at the square]... [My son] came and was looking to see what was going on. ...His wife was standing just over here next to the shop. ... He went to the square and closed off the street from the square. There were six kids standing in front of the van that exploded and he told them to move. He was standing right in front of the van when it exploded...The glass all broke within 50 to 100 meters away....

³⁴ Human Rights Watch interview with Ali, Jaramana, November 4, 2013.

³⁵ Ibid.

³⁶ Human Rights Watch interview with Carla, Jaramana, November 4, 2013.

[A]fter the explosion there was a huge cloud of smoke... He was 42. He has a son who is 6-years-old and one who was 40-days-old... Together...[he] and Hani cleared 60 people out of the area. ... He told this boy [standing next to me] to go back, which saved him.³⁷

Area residents told Human Rights Watch that there were no military targets in the vicinity of the attack. A video posted on YouTube on September 3, 2012 shows some of the destruction caused by the bombing in the residential neighborhood.³⁸

October 29, 2012 Attack on Rawda Area

On October 29, 2012 at about 11:15 a.m., a car bomb explosion in the Rawda area of Jaramana killed and injured dozens of people, according to witnesses.³⁹ Victims included a judge and the owner of a nearby electrical store. Jaramana News Network reported the names of eight people killed: Nazem Qablan, Ziyad Hatweek, Ghasan al-Yousef, Anwar al-Mashrafeh, Yasser Saidu, Ranya Khanouf, Rana Salhab, and Qazqali al-Mustapha.⁴⁰ Seven of these people were identified as having been killed in the records obtained by the Jaramana Council.⁴¹ Witnesses who spoke to Human Rights Watch just over a year later confirmed some of these fatalities.⁴²

One resident, George, a local storeowner, told Human Rights Watch that 17 people were killed in the explosion.⁴³ Fadi, another resident, told Human Rights Watch that approximately 15 people were killed in the bombing and 100 injured.⁴⁴

To Human Rights Watch's knowledge no armed group has publicly claimed responsibility for the attack.

³⁷ Human Rights Watch interview with Karim, Jaramana, November 4, 2013.

³⁸ "Video of the terrorist bombing next to al-Wahda Square in Jaramana," [n.d], video clip, YouTube, <https://www.youtube.com/watch?v=z8NKt-6oRso> (accessed February 11, 2015).

³⁹ Human Rights Watch interview with George, Jaramana, November 4, 2013; Human Rights Watch interview with Fadi, Jaramana, November 3, 2013.

⁴⁰ "Jaramana News," Facebook, https://www.facebook.com/permalink.php?id=331362070315176&story_fbid=401987393252643 (accessed February 11, 2015).

⁴¹ Records on file with Human Rights Watch.

⁴² Human Rights Watch interview with George, November 4, 2013; Human Rights Watch interview with Fadi, November 3, 2013.

⁴³ Human Rights Watch interview with George, November 4, 2013.

⁴⁴ Human Rights Watch interview with Fadi, November 3, 2013.

Human Rights Watch visited the site of the explosion in November 2013 and spoke to four residents about the bombing. The witnesses each said that all of the victims were civilians. None knew of any military targets in the vicinity.

November 28, 2012 Attack on President's Square

On November 28, 2012, at least 66 people were reportedly killed and dozens more injured when two car bombs exploded nearly a half-hour apart near the President's Square, a busy roundabout, in the eastern part of Jaramana.⁴⁵ People living next to the explosion site told Human Rights Watch that they believed that more than 100 had been killed, but that it had been impossible to identify all the casualties because of extensive injuries. No organization has publicly claimed responsibility for the bombing, to Human Rights Watch's knowledge.

Local residents told Human Rights Watch that they heard a loud explosion at around 7 a.m. Many people ran to the site to help, Hani and other residents told Human Rights Watch. Among them were his father, a retired army general, and his brother, who had just passed his exam to become a pediatric surgeon. About 25 minutes later, Hani heard a second explosion. When neither his father nor his brother answered their phones, Hani ran out to search for them. He said,

I stumbled on a torn-off hand on the way. People closest to the car were all in pieces. Then I saw my father's body on the ground. It was intact, but there was an injury – a hole – on the left side of his chest. His leg was broken, sticking out at an angle. I tried to clean his face and embraced him. I felt his last breath.⁴⁶

Hani tried to take his father's body to a hospital in Jaramana, but the first two hospitals he went to were full. He eventually discovered his brother's body at the third hospital.

⁴⁵ "Car bombs kill 34 in pro-Assad Damascus suburb," *The Daily Star*, November 28, 2012, <http://www.dailystar.com.lb/News/Middle-East/2012/Nov-28/196376-explosions-in-syrian-capital-damascus-casualties-reported.ashx#axzz2Xm13JdQY> (accessed February 11, 2015); Around 170 Syrians died Wednesday including 56 in explosions in Jaramana," Syrian Observatory for Human Rights, November 29, 2012, <http://bit.ly/1Bqo4ho> (accessed February 18, 2015); "Jaramana News," Facebook, https://www.facebook.com/permalink.php?id=331362070315176&story_fbid=401987393252643 (accessed February 11, 2015). The Jaramana News Network provided the names of 48 people killed. The Jaramana Council shared records with Human Rights Watch identifying 66 people killed in the attack on President's Square.

⁴⁶ Human Rights Watch interview with Hani, Jaramana, November 3, 2013.

Two other families told Human Rights Watch that their sons had died in the same way: they ran out when they heard the first explosion and were killed in the second. One was a 24-year-old volunteer with the Syrian Arab Red Crescent.⁴⁷ The second was a 24-year-old law student.⁴⁸

A video published on YouTube shows damage to buildings and cars and pools of blood on the street resulting from the bombings.⁴⁹

Human Rights Watch visited the site of the explosions in November 2013. Local residents said that the first car that exploded had been parked in a narrow side street, which limited the damage. The second car was parked in the roundabout, near the entrance to the side street where a large crowd had gathered after the first explosion, leading to the high number of casualties.

None of the witnesses knew of any military target in the vicinity.

In a third explosion on November 28, the Jaramana News Network reported that two men, Hossam Qazan and Oussama al-Halabi, were killed when an IED placed in a parked car at the entrance of the al-Qurayat neighborhood exploded.⁵⁰

July 25, 2013 Attack on Swords Square

On July 25, 2013, a car bomb exploded in Swords Square in Jaramana, killing 17 people and injuring over 30, according to media reports.⁵¹ A witness said about 65 people were injured and over 20 cars were damaged, as well as nearby homes and businesses.⁵² Maher, a store owner in the vicinity who was present when the bomb exploded, told Human Rights Watch that based on what he saw he thought around 13 people were killed in the attack,

⁴⁷ Human Rights Watch interview with father, November 3, 2013,

⁴⁸ Human Rights Watch interview with Ghassan, Jaramana, November 3, 2013.

⁴⁹ "Two car bombs explode in Jaramana southeast of Damascus," [n.d], video clip, YouTube, <https://www.youtube.com/watch?v=GdjRXGsB1po> (accessed February 11, 2015).

⁵⁰ "Jaramana News," Facebook, https://www.facebook.com/permalink.php?id=331362070315176&story_fbid=401987393252643 (accessed February 11, 2015).

⁵¹ "Syria: At least 10 killed in car bomb in Jaramana," *BBC news online*, July 25, 2013, http://www.bbc.co.uk/arabic/middleeast/2013/07/130725_syria_jaramana_bomb (accessed February 17, 2015); "Images of the Terrorist Bombing that Occurred in the Swords Square in Jaramana, Damascus suburbs," July 25, 2013, video clip, YouTube, <https://www.youtube.com/watch?v=cWPumufdAas> (accessed February 11, 2015).

⁵² Human Rights Watch interview with a member of the Jaramana council, Jaramana, November 4, 2013.

including four children.⁵³ A video of the aftermath of the explosion taken by the Jaramana News Network shows the car that exploded and a large group of people at the site transporting several corpses from the area and assisting the injured.⁵⁴

ISIS reportedly claimed responsibility for the bombing.⁵⁵ Human Rights Watch's research found no evidence of any military target in the vicinity.

Several people in the vicinity of the explosion described what happened when Human Rights Watch visited the site in November 2013. Imad told Human Rights Watch: "I heard the sound of the explosion from my house. The building shook. There was a lot of smoke and fire."

We ran to the site after it [the explosion] happened... The car was parked in front of a restaurant. There was a microbus passing by and the people in it were killed... In the area there is a pharmacy and doctor's offices, and homes... The car was parked in front of a vegetable store and a house owned by [a local family]... There is a *falafel* and *shawarma* shop across the street that were destroyed.⁵⁶

A member of the Jaramana council, said that the explosion happened at 2:45 p.m. while he was standing nearby with three friends, Yousef Badra, Adeb Safaya and Ayman Safaya, who all died in the explosion. He told Human Rights Watch:

I was with friends in Martyrs Square... [T]he front of the car [that exploded] was eight meters away... The explosion, I can't explain it. The building collapsed. It was a big explosion. There was a cloud of dust and then the buildings fell... [My friend next to me, his] leg flew. I thought it was my leg because my right leg was injured and I was screaming "I want my leg." There was fire all around... It was red fire. Very hot... I was hit in the neck.

⁵³ Human Rights Watch interview with Maher, Jaramana, November 3, 2013.

⁵⁴ "Bomb in Martyrs Square in Jaramana, Complete Scenes," [n.d], video clip YouTube, <http://www.youtube.com/watch?v=3xgKpAAcoDw> (accessed February 11, 2015).

⁵⁵ "Images of the terrorist bombing that occurred in Swords Square in Jaramana, Damascus suburbs," July 25, 2013, video clip, YouTube, <https://www.youtube.com/watch?v=cWPumufdAas> (accessed February 11, 2015).

⁵⁶ Human Rights Watch interview with Imad, Jaramana, November 3, 2013.

Samih, the owner of a clothing store, described the Sabeel bombing to Human Rights Watch, which killed an employee and her mother:

Hend Zakhour, 24, and her mother were sitting in the clothing store...When the bomb went off Hend was standing with her mom at the door and I was inside the shop. I looked for her. The explosion left no sign of her. I was stuck inside for about 10 minutes because of the fire until a guy selling water came and put the fire out. After that the fire truck came. In my store I found [just her] hands.⁶²

Samih described some of the other victims:

There was a girl, 4 or 5 years old, dead. One boy [from Douma] who was not killed in the first explosion, he poured water over himself to go and rescue people and then a second car that caught fire exploded and killed him. Three cars exploded one right after the other after catching fire. His death really affected me. He didn't have to die. He wasn't even in the first explosion. He was trying to rescue a girl.⁶³

Raghd Arabi, 18, Kinda Abu Hamdan, 10, Raed Fakih, and an 11-year-old Iraqi boy were also killed in the bombing, he said.⁶⁴

Samer, another local shop owner told Human Rights Watch that “there were a lot of people on the street” when the bomb exploded:

It was 6:45 p.m. exactly. I was sitting here watching the clock...Everything just went black. I didn't feel anything. The store window broke, all the glass around shattered and hit me. I had to get 17 stiches... I went outside to find my cousin on my mother's side. I just saw pieces of people. ... A bus was burning. My taxi was also hit.⁶⁵

⁶² Human Rights Watch interview with Samih, November 3, 2013.

⁶³ Ibid.

⁶⁴ Ibid.

⁶⁵ Human Rights Watch interview with Samer, Jaramana, November 3, 2013.

Among those killed were Mohammed Adeb Ghazzali and Alaa Abu Hamdan, he said.⁶⁶

Mariam, a relative of Wael al-Zaem, a father of three who died in the bombing, told Human Rights Watch,

I heard on the TV that there was an explosion... When he didn't come home I went from hospital to hospital looking for him. I found his body in al-Muwasat Hospital. I knew him from his feet, but the rest of his body was completely unrecognizable...He was walking on his way back from work—he works at a mobile phone store—to break the fast at home.⁶⁷

Other Bombings in Jaramana

Human Rights Watch compiled information, but was not able to independently investigate, 10 additional bombings that apparently caused civilian deaths and injuries in Jaramana.

In one additional bombing, the first apparently taking place in Jaramana, on April 12, 2012, an IED was reportedly placed in the car of Zaher Tayba al-Far while it was parked on the main road in Jaramana opposite the Rawda Square, killing al-Far, who is identified as a *shabiha*, or member of a pro-government militia. There were no other reported casualties.⁶⁸

On August 8, 2012, an IED was reportedly placed in a residential building on the road between Swords Square and Karam Hadeed Schools killing Ibrahim al-Daraa, a retired officer, and resulting in significant damage to the residential building.⁶⁹

On August 27, 2012, an IED was reportedly placed in the car of Afif al-Shami, who is identified as a citizen, near the Quineitra school in the Beydar neighborhood, killing him.⁷⁰

⁶⁶ Ibid.

⁶⁷ Human Rights Watch interview with Mariam, Jaramana, November 3, 2013.

⁶⁸ «Jaramana News,» Facebook, https://www.facebook.com/permalink.php?id=331362070315176&story_fbid=401987393252643 (accessed March 11, 2013).

⁶⁹ «Jaramana News,» Facebook, https://www.facebook.com/permalink.php?id=331362070315176&story_fbid=401987393252643 (accessed February 11, 2015).

⁷⁰ Ibid., Records on file from the Jaramana Council with Human Rights Watch.

In a second bombing on August 27, an IED was reportedly placed in the car of Saqr Ammar, who is identified as a young man and who is apparently a civilian, near the al-Ma'wna hospital in the Karam al-Samadi neighborhood, killing him.⁷¹

On August 28, near President's Square, an IED was reportedly placed in a military pickup truck injuring the driver and his daughter, but not his wife and second daughter who were with them.⁷²

On August 30, an IED reportedly placed in a car near the Abeed Gas Station Roundabout exploded resulting in injuries, apparently to civilians.⁷³

On December 12, 2012, an IED reportedly exploded at the entrance of the Quryat neighborhood near the Jaramana mixed secondary school killing the driver of a military vehicle.⁷⁴ Fifteen minutes later an IED parked near the scene of the first explosion exploded injuring several civilians.⁷⁵ Video posted on YouTube of the purported attacks shows some of the destruction caused by the explosions.⁷⁶

On February 9, 2013, a bomb reportedly exploded near Swords Square in Jaramana killing two and injuring at least 12 others, including women and children, apparently all civilians.⁷⁷

On February 26, 2013, an IED that exploded at the intersection of the main road and the municipality road resulted in injuries, apparently to civilians.⁷⁸

⁷¹ Jaramana News," Facebook, https://www.facebook.com/permalink.php?id=331362070315176&story_fbid=401987393252643 (accessed February 11, 2015); Records on file from the Jaramana Council with Human Rights Watch.

⁷² Jaramana News," Facebook, https://www.facebook.com/permalink.php?id=331362070315176&story_fbid=401987393252643 (accessed February 11, 2015);

⁷³ Ibid.

⁷⁴ Ibid.

⁷⁵ Ibid.; See also, "Syrian TV: explosions target the Interior Ministry of Interior in Damascus," *BBC news online*, December 12, 2012, http://www.bbc.co.uk/arabic/mobile/middleeast/2012/12/121212_syria_alawite.shtml (accessed February 17, 2015).

⁷⁶ "Explosions strike Jaramana and Damascus," [n.d], video clip, YouTube, <https://www.youtube.com/watch?v=3CAnWpZKN4U> (accessed February 11, 2015).

⁷⁷ "Casualties from bomb in Jaramana in rural Damascus and reports of a 'massacre' in the town of Junayd in rural Aleppo," post to Syria news (blog), February 9, 2013, http://www.syria-news.com/readnews.php?sy_seq=156676 (accessed February 11, 2015); "The Assyrian Network: At least one killed and 14 injured in an IED explosion in Jaramana," *Assyrian Human Rights Network*, February 10, 2013, <http://bit.ly/1AKV4UX> (accessed February 17, 2015); "One martyr and 14 wounded in a terrorist explosion in Swords Square in Jaramana," *Syrian Telegraph*, February 9, 2013, <http://www.syriantelegraph.com/?p=70371> (accessed February 18, 2015).

⁷⁸ "Jaramana News," Facebook, https://www.facebook.com/permalink.php?id=331362070315176&story_fbid=401987393252643 (accessed February 11, 2015).

On September 3, 2013, a bomb went off in the al-Tawheed neighborhood of Jaramana.⁷⁹ The bomb reportedly killed six people identified by the Jaramana City Facebook page as “innocent people:” Mazen al-Sehnawi, Samaher al-Dora, Alma Habash, Hani Abu Bakr, Loom Saber Yacoubian, and Shantal Awad and injured about 30 others.⁸⁰

On October 19, 2013, a suicide car bombing at a checkpoint between Jaramana and neighboring Mleha reportedly caused approximately 30 fatalities, all combatants, and injured 15 civilians according to SANA, the Syrian state news agency.⁸¹ The extremist Islamist group Jabhat al-Nusra claimed responsibility for the attack.⁸²

Shelling of Civilian Areas

Human Rights Watch has collected information on hundreds of mortar and artillery attacks on Jaramana city, dozens of them taking place in October and November 2013 alone. These strikes hit at or near at least six schools that were operational at the time, two hit aid and shelter facilities, and four hit residential areas in central parts of the city.

According to the head of the media office for the National Defense Forces (NDF) in Jaramana, the city has been shelled from Ain Terma to the north, Mleha and Shabha to the east, and from Beit Sahm to the south.⁸³ Based on the information available to him he believed that 60 mm, 82 mm, and 120 mm mortars were used to attack the city with locally produced shells.⁸⁴ Statements from witnesses to the strikes and Human Rights Watch’s observations of the strike sites, including an examination of the trajectory of mortar shells based on the damage inflicted, support these assertions.

⁷⁹ “Jaramana News Network,” Facebook, <https://www.facebook.com/Jaramana.N.N/posts/402697959797839> (accessed February 11, 2015).

⁸⁰ “Jaramana City Network,” Facebook, <https://www.facebook.com/Jaramana.city.website/posts/402027446513503> (accessed February 11, 2015).

⁸¹ “Syria: dozens killed in clashes after suicide attack in Damascus,” *The Guardian*, October 19, 2013, <http://www.theguardian.com/world/2013/oct/19/syria-soldiers-killed-damascus-suicide-bombing> (accessed February 11, 2015); Joanna Paraszczuk, “Syria Military Roundup, Oct 19: 15 Injured in Bombing near Damascus,” post to EA WorldView, October 19, 2013, <http://eaworldview.com/2013/10/syria-military-roundup-9-lebanese-hostages-freed/> (accessed February 11, 2015).

⁸² “Casualties from bomb in Jaramana in rural Damascus and reports of a ‘massacre’ in the town of Junayd in rural Aleppo,” post to Syria news (blog), February 9, 2013, http://www.syria-news.com/readnews.php?sy_seq=156676 (accessed February 11, 2015). Attacks on military targets in which the attacker feigns civilian status to carry out the attack are acts of perfidy, which is a violation of the laws of war.

⁸³ Human Rights Watch interview with NDF media chief in Jaramana, November 5, 2013.

⁸⁴ *Ibid.*

Armed groups opposing the government have claimed that they were targeting *shabiha*, security forces, government checkpoints, and other military targets in Jaramana (see Section on Opposition Groups below).

The NDF media chief in Jaramana and a member of the Jaramana council, both told Human Rights Watch that the Syrian army was present in woods on the perimeter of Jaramana neighboring Ain Terma, Mleha, and Beit Sahm.⁸⁵ Consistent with this, when Human Rights Watch visited Jaramana in November 2013 we observed no Syrian government artillery positions being used to shell neighboring towns but could hear outgoing shelling from the perimeter of the town.

The NDF headquarters was however present in Jaramana, and the NDF media chief told Human Rights Watch it had been hit twice before November 2013. A local monitoring group also reported that it was hit on December 21, 2013.⁸⁶

Statements by the armed opposition, reflected in some media reports, that they were hitting *shabiha* targets were not accurate, Human Rights Watch found. For example, on October 22, 2013 multiple mortar shells reportedly fell in Jaramana, including at the entrance of Jaramana, hitting a number of schools including the Fayez al-Said (also referred to as Fayez al-Mahmoud) school.⁸⁷ The attacks reportedly killed three civilians and injured dozens of others including students. The same day al-Sham News, an opposition media site, reported that that day several mortar shells were fired onto *shabiha* strongholds in Jaramana resulting in “direct hits.”⁸⁸

⁸⁵ Human Rights Watch interview with NDF media chief in Jaramana, November 5, 2013; Human Rights Watch interview with a member of the Jaramana council, November 4, 2013.

⁸⁶ Human Rights Watch interview with NDF media chief in Jaramana, November 5, 2013; “NDF targeted in Damascus suburb,” *Syrian Observatory for Human Rights*, December 22, 2013, <http://bit.ly/1FxEWXQ> (accessed February 18, 2015).

⁸⁷ “Mortar shells launched by terrorists fell on a group of schools in the city of Jaramana in Damascus countryside,” [n.d], video clip, YouTube, https://www.youtube.com/watch?v=jITqw_5x1Dc (accessed February 17, 2015); “Jaramana shells’ target; a landmine blast hits correspondents in Aleppo countryside, *Breaking News*, October 22, 2013, <http://breakingnews.sy/en/article/27504.html> (accessed February 17, 2015).

⁸⁸ “Operations of the Free Syrian Army on Tuesday October 22, 2013,” *Al Sham News*, <http://alsham-news.com/?p=6496> (accessed February 11, 2015).

A DAY IN JARAMANA – SHELLING ON NOVEMBER 4, 2013

On November 4, 2013, one of the days that Human Rights Watch visited Jaramana, at least 10 mortar shells struck the city. Human Rights Watch visited all of the 10 sites that were attacked that day, mapping their locations, assessing where possible the apparent direction from which the attack originated, and documenting casualties. Human Rights Watch did not observe any military targets in the areas struck, indicating that the attacks were indiscriminate. The attacks killed two civilians, including a UN employee, and injured several others.

The 10 mortar shells struck residential areas near a mosque, a shelter for internally displaced people (IDPs), and a facility run by the Syrian Arab Red Crescent. That day Human Rights Watch observed no Syrian military activity in the city and was not able to identify any military targets near the impact sites.

Weapon remnants found at some of the impact sites indicate that 82 mm mortars were used for the attacks. When it was possible to determine incoming direction because the mortar had struck, for example, a wall, the impact marks indicated that the rounds had come from the south or southeast from Beit Sahm and Mleha, which were under the control of several opposition armed groups at that time.

Human Rights Watch was not able to establish whether all attacks that day came from the same direction.

One victim was an elderly woman, about 70, who was killed while on her veranda on Marcel Street in the Baath neighborhood of Jaramana.⁸⁹ Human Rights Watch visited the location and spoke to three residents who were present during the attack. The residents told Human Rights Watch the shell struck at approximately 3:30 to 4 p.m., killing Um Nidal from the Arslan family who was injured in the head and arm while sitting on her veranda.

A second shell fell near the Nur Mosque in Jaramana killing Sami Essa and injuring Sheikh Ghafran. Mohamed, the mosque caretaker who was present at the time of the attack, told Human Rights Watch the strike took place at approximately 3 to 3:15 p.m. and that the shell fell just outside the mosque on the street.⁹⁰

Human Rights Watch also visited a shelter for IDPs that housed approximately 300 displaced people, primarily from Eastern Ghouta where two shells hit, injuring one man, and two nearby apartment buildings where two other shells struck.⁹¹ A man whose apartment building was struck told Human Rights Watch that one shell hit his home, another a field behind his building, and a third a school approximately 150 meters away.⁹²

⁸⁹ Human Rights Watch interview with Tamer, Jaramana, November 5, 2013.

⁹⁰ Human Rights Watch interview with Mohamed, Jaramana, November 5, 2013.

⁹¹ Human Rights Watch interview with Nazem, Jaramana, November 5, 2013.

⁹² Human Rights Watch interview with Sayed, Jaramana, November 5, 2013.

Attacks on Markets

Human Rights Watch has collected information about artillery attacks by opposition armed groups on markets in Jaramana.

On October 10, 2013 at about 4:30 p.m., two mortar shells hit a market in a Jaramana neighborhood predominately inhabited by Iraqi refugees. One of the shells exploded, killing at least 15 people and injuring dozens of others. Zein, an Iraqi man who was present during the attack, told Human Rights Watch: “I was standing about 20 meters from the hit... Fifteen to 16 people were killed here. Twenty maybe. Thirty or more wounded,” he said.⁹³ Local media reported the following deaths in the attack: Behnam Mikhael Yuhanna (Iraqi), Bashar Emil al-Khouri, Tamer Louis Shamoun (Iraqi), Talal Yousef Elias (Iraqi), Raed Shagr Mahmoud, Shagr Ismail Mahmoud, Bassam Abd al-Karim, Farid Yousef Aziz, and Ayad Iskander Yuhanna Qadur.⁹⁴

Yasser, an Iraqi man wounded in the strike, told Human Rights Watch:

I was sitting at the café playing backgammon [when] two shells fell. One exploded, one did not. There were five or six of us sitting at the table and four were killed: Abu Mustafa Talal, Abu Mamesh, Shagr Ismail, Raed Shagr were all killed. Both of my legs were injured. I have shrapnel in my knee. One Syrian guy with a car took me to the Jaramana hospital and then I was taken to al-Muwasat Hospital... There was nothing going on in the street before the attack.⁹⁵

Fragmentation marks in the asphalt indicate that the mortar round hit about 10 meters to the east of a five-story building. Witnesses explained to Human Rights Watch they believed the shelling originated from the east, from the direction of Mleha.

Attacks on Residential Areas

⁹³ Human Rights Watch interview with Zein, Jaramana, November 5, 2013.

⁹⁴ “Tens of Martyrs and Wounded as a Consequence of Mortars Shells on Jaramana in Damascus,” post to Aksalser (blog), October 10, 2013, http://www.aksalser.com/?page=view_articles&id=2e7d56907d140d508635c7147f724973 (accessed February 11, 2015). Witnesses corroborated the names of several of those killed. Human Rights Watch interview with Zein, and Yasser Jaramana, November 5, 2013.

⁹⁵ Human Rights Watch interview with Yasser, November 5, 2013.

Human Rights Watch has collected information on three artillery attacks that struck homes and residential areas in Jaramana.

Bassma, a woman living in the Janaya neighborhood of Jaramana, a residential area, told Human Rights Watch that she was injured in her third-floor apartment when a mortar shell struck the veranda on July 4, 2013.⁹⁶ She told Human Rights Watch,

It was about 10:30 p.m. We couldn't see from the smoke right after it happened. My son was in the bedroom and my husband just here in the kitchen. He fell over from the pressure [of the explosion]. They took me to the al-Radi [Specialist] Hospital first, then to al-Muwasat Hospital. I had to have surgery and now I am doing physical therapy. I still have problems with my knee. The mortar came from straight over there, the direction of Mleha... We are in the beginning of Janaya neighborhood. We feel very exposed here. There is no set time for the shelling.⁹⁷

She said there were no military targets in the vicinity of her home.

A neighbor, Talal, told Human Rights Watch that there had been two other mortar strikes on the neighborhood in October 2013. One attack on October 24 at about 11 a.m. may have caused one death and injured two others. A second mortar shell landed in the neighborhood on October 31, injuring one man, he said.⁹⁸

Attacks on Schools

Human Rights Watch has collected information on artillery attacks that struck on or near six schools in Jaramana.

On October 31, 2013, several mortar shells fell near the Haytham Abdel Salam School, killing at least two adults and an 11-year-old girl, and injuring others. Human Rights Watch interviewed five victims and witnesses, all of whom said that no military targets were in the area. Human Rights Watch was not able to identify any military target in the vicinity when researchers visited four days after the attack.

⁹⁶ Human Rights Watch interview with Bassma, Jaramana, November 3, 2013.

⁹⁷ Ibid.

⁹⁸ Human Rights Watch interview with Talal, Jaramana, November 3, 2013

Ziyad told Human Rights Watch that when he heard in the afternoon that a mortar shell had hit the school attended by his 11-year-old daughter, Diana, he rushed there to pick her up. He said,

Just as we were leaving the school a [second] mortar hit nearby so I, [Diana], another father and some other children hid in a nearby shop. A third mortar fell right outside the shop, however. When I looked, [Diana] was already dead from injuries to her stomach. The other father was also dead and the three boys were injured.⁹⁹

When Human Rights Watch spoke to Ziyad he was bedridden, recovering from a broken jaw and fragmentation wounds to his neck and legs.

Human Rights Watch visited two children, ages 7 and 9, who had been lightly injured in the attack. Imad, a local resident, told Human Rights Watch that the school had also been struck twice before, two months earlier and a year before, resulting in injuries. He said that at least some of the mortar shells were coming from the direction of Mleha and that there were no military targets in the vicinity of the school.¹⁰⁰ Human Rights Watch also interviewed a relative of Kifah al-Masri and a 17-year-old boy who sustained a fragment injury to his eye in the same incident.¹⁰¹

The principal of the Haytham Abdel Salam School told Human Rights Watch that the attacks had severely affected the children's' education:

About eight mortars fell in the immediate vicinity that day, but they have been falling for a long time. The teachers are afraid, keeping the children who come inside. We are afraid to come to work. It is a terrible responsibility. Many families have left or parents are keeping their children at home.¹⁰²

On October 22, 2013, a mortar shell hit an elementary school near Wahde Square. An adjacent school was also struck, and a third mortar fell just outside the two schools at

⁹⁹ Human Rights Watch interview with Ziyad, Jaramana, November 4, 2013.

¹⁰⁰ Human Rights Watch interview with Imad, November 3, 2013.

¹⁰¹ Human Rights Watch interview with Imad and Wissam, Jaramana, November 3 and 4, 2013.

¹⁰² Human Rights Watch interview with Sara, Jaramana, November 4, 2013.

approximately the same time. Fourteen children were injured in the strikes. The principal of one of the schools, who was present during the strike, told Human Rights Watch that the shells came from the direction of Ain Terma.¹⁰³ She said this was the first time her school was hit. “I sent the students in early from recess,” she said. “If not, more would have been injured [by the shell that fell on the awning in the courtyard] because they were already starting to go inside.”¹⁰⁴

A mortar round also hit the Jaramana Sports Club, which is located close to three schools, on the afternoon of November 2, 2013. The manager of the sports club told Human Rights Watch:

The mortar struck the office, which is often used by the members as a meeting room, but luckily there were nobody there at the time. There were about 30 children playing basketball in the courtyard just a few meters away at the time, though. The mortar could have easily hit them instead and they were very scared.¹⁰⁵

The sports club manager told Human Rights Watch that about 15 mortar shells had hit the area in the course of two weeks in October and November 2013. The mortar hit a south-facing wall, indicating that the mortar likely came from the south, the direction of Beit Sahm. Remnants examined by Human Rights Watch indicate that the sports club was hit by a 120 mm mortar.

Central Damascus and the Old City

Shelling Civilian Areas

Human Rights Watch has collected information on artillery attacks on various neighborhoods in central Damascus and the old city of Damascus including Qassa, Bab Sharki, and Bab Touma in which civilians were killed between January 1, 2013 and April 30, 2014. These areas are all adjacent to or are in close proximity to territory that were then held by armed groups opposed to the government, including the towns of Jobar, Beit Sahm, Ain Terma, Shabha, and Mleha. Nine of these strikes hit mixed commercial and

¹⁰³ Human Rights Watch interview with Tamara, Jaramana, November 4, 2013.

¹⁰⁴ Ibid.

¹⁰⁵ Human Rights Watch interview with Hassan, Jaramana, November 3, 2013.

residential areas, four hit at or near a hospital, six hit at or near schools, school buses and universities that were operational at the time, and two hit religious sites.

Attacks on Commercial and Residential Areas

Human Rights Watch has collected information about nine artillery attacks on markets and mixed commercial and residential areas in central Damascus and the old city of Damascus resulting in civilian fatalities in mid to late 2013.

Residents told Human Rights Watch that two markets, al-Hal and al-Hamidiya, were repeatedly struck by mortar shells from rebel-held Jobar to the east.¹⁰⁶

In an attack on al-Hamidiya market on November 14, 2013 between 11 a.m. and noon, two mortar shells struck, killing two people and injuring at least five others.¹⁰⁷ Human Rights Watch visited the site of the strikes and spoke to witnesses within hours of the strikes. No military targets were apparent in the vicinity of the strikes.

On November 13, shells also struck al-Hal market injuring civilians. Human Rights Watch visited a 16 or 17-year-old who worked in the market while he was in the hospital recovering from injuries. A relative spoke about his injuries: “The doctors took shrapnel out of his feet and his head. He can’t see in his right eye.”¹⁰⁸ A relative of another person injured in the strike told Human Rights Watch:

He has shrapnel in his back. His leg is broken. There is also shrapnel in his leg, stomach, and also in his eye. ...He is 50 and married with three kids...We don’t know if he will see again in his left eye. Who will take care of his family now? The shells fell on the workers. Today 15 shells fell...they destroyed us.¹⁰⁹

¹⁰⁶ Human Rights Watch interview with Tawfik, Damascus November 14, 2013; Human Rights Watch interview with Mustafa, Damascus, November 13, 2013.

¹⁰⁷ Human Rights Watch interview with Kassem, Damascus, November 14, 2013; Human Rights Watch interview with Tawfik, November 14, 2013.

¹⁰⁸ Human Rights Watch interview with Abbas, Damascus, November 13, 2013.

¹⁰⁹ Human Rights Watch interview with Khalid, Damascus, November 13, 2013.

A shelling of the market on November 12 resulted in approximately 15 injuries according to Marc, whose relative was injured.¹¹⁰ In an attack on November 11 at least one man, a street sweeper, was killed according to a worker who was also wounded in the attack.¹¹¹

The Syrian Observatory for Human Rights, a London-based Syrian monitoring group, reported that mortar shells fell in the al-Hal market again on March 18, 2014, killing one civilian and injuring many more.¹¹² Human Rights Watch was not able to independently verify the strike.

The entrance to Bab Touma, a mixed commercial and residential area, had also been repeatedly shelled, according to local residents. A government Military Intelligence checkpoint is located at the entrance of the neighborhood to search vehicles, which may have been the target of some of these attacks.



Site of mortar attack that struck a car and injured four men in Bab Touma on November 13, 2013. © 2013 Human Rights Watch

On November 13, 2013, a woman and her young daughter were killed during a mortar attack as they were entering the neighborhood, according to a nurse at the French Hospital

¹¹⁰ Human Rights Watch interview with Marc, Damascus, November 13, 2013.

¹¹¹ Human Rights Watch interview with Mustafa, Damascus, November 13, 2013.

¹¹² “Losses in Homs and more mortar shells on Damascus,” Syrian Observatory for Human Rights, March 18, 2014, http://syriahr.com/en/2014/03/losses_in_Homs_and_more_mortar_shells_on_Damascus/ (accessed February 17, 2015).

where the bodies were taken.¹¹³ A member of Military Intelligence working at the checkpoint at the entrance of Bab Touma told Human Rights Watch that two shells fell that day. The shell that killed the mother and child also injured three other people. The second, about 100 meters away, struck a car and injured four men, he said.¹¹⁴

Human Rights Watch visited the site where the mother and child were killed and observed the areas where the mortar shells struck, about 50 to 100 meters from the intelligence checkpoint, and bloodstains caused by the attack.

The Military Intelligence officer said the shells had been fired from Ain Terma and Jobar to the east and northeast. Human Rights Watch observed that the car was hit by a mortar round that appeared to come from the east, the direction in which Ain Terma is located.

A second Military Intelligence member working at the Bab Touma checkpoint told Human Rights Watch that the entrance of the neighborhood was also shelled on October 18, injuring two soldiers and killing a baby, and on October 26, injuring one civilian man.¹¹⁵ Human Rights Watch could not verify these alleged civilian casualties.

In late August 2013, a shell hit a car near the Tower of Heads Park, a mixed residential and commercial area, killing two civilians and injuring from 25 to 30 others, according to local residents.¹¹⁶ A resident, Walid, told Human Rights Watch that the mortar attack happened at approximately 7 p.m., hit a car, and caused the car and others to catch fire.¹¹⁷ “There were two men killed that I saw,” he told Human Rights Watch. “They were burned all over and were hit with shrapnel.”¹¹⁸

Human Rights Watch visited the strike site on November 5. Residents said there were no military targets in the vicinity at the time of the attack.

¹¹³ Human Rights Watch interview with Sandra, Damascus, November 13, 2013.

¹¹⁴ Human Rights Watch interview with Military Intelligence official, Damascus, November 13, 2013.

¹¹⁵ Ibid.

¹¹⁶ Human Rights Watch interview with Walid, Damascus, November 5, 2013; Human Rights Watch interview with Faysal, Damascus, November 5, 2013.

¹¹⁷ Human Rights Watch interview with Walid, November 5, 2013.

¹¹⁸ Ibid.

Attacks on Medical Facilities

Human Rights Watch has collected information about four artillery attacks on or near medical facilities in central Damascus and the old city of Damascus between October 6, 2013 and April 30, 2014.

On October 6, 2013, a mortar round struck kiosks in front of the French Hospital in Qasaa, killing eight civilians, including five police officers, and injuring at least five others, a local shop owner told Human Rights Watch. He said those killed by the kiosks, and whose photos were on display near the hospital, were Michael Habees, Rima Abdel Nur, and Riad Yazigi. The police killed were passing by on the street.¹¹⁹

“It was 11 a.m. or noon. One mortar fell...from the direction of Jobar. I was in my store,” he said. “They have been shelling us for a year... The French hospital has been hit three times.”¹²⁰

Videos posted on YouTube also show artillery attacks striking hospitals in the old city of Damascus. For example, videos show the French Hospital being struck on February 18, 2013.¹²¹

Videos also show the Tishreen Military Hospital in the Barzeh neighborhood being struck on October 28, 2013 and July 3, 2013.¹²²

Attacks on Schools, Universities and School Buses

Human Rights Watch has collected information about six artillery attacks on or near schools, universities and school buses in Damascus between March 29, 2013 and April 29, 2014.

On April 29, 2014, two mortar shells struck the Badr el-Din Hussaini educational complex in the al-Shaghour neighborhood of Damascus, a pro-government area, according to a resident from the area who spoke to Human Rights Watch and media reports. The resident, who was involved in the rescue efforts after the strike, told Human Rights Watch that 17

¹¹⁹ Human Rights Watch interview with Faysal, November 5, 2013.

¹²⁰ Ibid.

¹²¹ “French Hospital in Damascus hit by mortar shells,” [n.d.], video clip, YouTube, <https://www.youtube.com/watch?v=oTtO7q-ztwA>.

¹²² “Free Army Operations in Syria 29,” [n.d.], video clip, YouTube, [https://www.youtube.com/watch?v=QaDti-3ztBQ](https://www.youtube.com/watch?v=QaDti-3ztBQ;); (accessed February 12, 2015); “Damascus, Free Syrian Army hits government forces gatherings in the Tishreen Military Hospital with mortars,” October 28, 2013, video clip, YouTube, <https://www.youtube.com/watch?v=gjw2uWEM-IE> (accessed February 11, 2015).

children, all approximately 13-years-old, were killed in the first mortar attack on the school's courtyard at approximately 9:30 a.m. The children were in the courtyard during recess when the mortar shell hit the school, he said. He said the second mortar, which fell 30 to 45 minutes after the first, killed an additional two to three parents who came to pick up their children from the school. He estimated that 50 people were injured in the attack based on what he saw on the scene and later in a hospital where the wounded were taken.

The resident, who was near to the site when the first round struck and at the school when the second hit, told Human Rights Watch that he believed the mortar shells came from an area under the control of armed groups in the Yarmouk camp to the south of al-Shaghour.¹²³

A video posted by al-Akhabriya shows some of the damage caused by the mortar attacks and some of the injured, including children.¹²⁴ The pro-government al-Nazha and Akrama Homs News Network published on its Facebook page the names of 14 people it said had been killed in the strike, and said one additional person whose identity was not known had also been killed.¹²⁵ The Facebook page Diary of a Mortar Shell identified 13 of these 14 people as having been killed and published their names alongside photographs of 13 children, who it said were the victims.¹²⁶

On November 11, 2013, one shell fell on a bus parked in front of the Risali School in Bab Sharki, in the old city of Damascus, and a second hit the outside wall of the school. A member of the Syrian National Defense Forces told Human Rights Watch that five civilians were killed in the strikes – three first graders and one third grader, along with their bus driver – and 17 other children were injured.¹²⁷ He said the shelling came from Ain Terma and Jobar.

¹²³ "Syria: Car Bombs, Mortars Hit Residential Areas," Human Rights Watch news release, May 1, 2014, <http://www.hrw.org/news/2014/05/01/syria-car-bombs-mortars-hit-residential-areas>.

¹²⁴ "Images of the Terrorist Explosions at the International Institute for Religious Education in Damascus," [n.d], video clip, YouTube, <https://www.youtube.com/watch?v=G6icC7iNuEc&feature=youtu.be> (accessed February 11, 2015).

¹²⁵ "Homs News Network," Facebook, https://www.facebook.com/permalink.php?story_fbid=657521787630658&id=252737248109116&stream_ref=10 (accessed February 11, 2015).

¹²⁶ "Daily Life of a Mortar Shell," Facebook, https://www.facebook.com/yomyat.hawn/posts/443529869083065?stream_ref=10 (accessed February 11, 2015).

¹²⁷ Human Rights Watch interview with Michel, Damascus, November 13, 2013.

Screenshot from a Syria TV news broadcast posted on YouTube on November 15, 2013 showing the damaged school bus.¹²⁸



A pole next to the school bus that was hit. The National Defense Forces checkpoint is in the distance next to the street lights. The pole hit is leaning towards the west, suggesting it was hit from the east. © 2013 Human Rights Watch



Human Rights Watch visited the scene of the strikes and observed where the mortars fell, confirming that they were coming from the east. The school and bus were approximately 100 meters from the Bab Sharki gate where the National Defense Forces had a checkpoint.

A death announcement posted at the scene identified the five victims as Hufahnees Atukenaan (first grade). Munir al-Suhood (first grade), Majd Shehadeh (first grade), Phonecia Mikho (second grade), and Rafid Khoury (bus driver).

¹²⁸ "Foreign Affairs: The terrorism of the armed groups specifically against children, raises the question of the support of the international community," [n.d], video clip, YouTube <https://www.youtube.com/watch?v=2SSZN9B555Y> (accessed February 11, 2015).



Death announcement.
© 2013 Human Rights Watch



Munir al-Suhoom's death announcement.
© 2013 Human Rights Watch



Majd Shehadeh's death announcement.
© 2013 Human Rights Watch

The pro-opposition news website All4Syria reported that, while the government accused opposition groups in Eastern Ghouta of being responsible for these strikes, the groups there have previously denied their involvement in strikes on the area. They have alleged that the government is striking areas where religious minorities reside to incite sectarian violence and hatred.¹²⁹

Human Rights Watch concluded from a visit to the scene of the strikes based on the apparent trajectory of the strikes as evidenced in the damaged pole and nearby wall surrounding the school that the mortar rounds appeared to come from the east, the direction of Ain Terma.

On the same day, SANA, the Syrian state news agency, reported that five other children were killed and 27 people wounded when mortar rounds struck the St. John of Damascus School.¹³⁰ Human Rights Watch was not able to verify the information.

Videos posted on YouTube and media reports indicate other artillery attacks striking schools and universities in Damascus. Citing SANA, CNN reported that on March 29, 2013,

¹²⁹ Oussama Baraa, "The list of names of the school children who were victims of the mortar shells in Bab Sharki and al-Qasaa," All4Syria, November 11, 2013, <http://all4syria.info/Archive/110653> (accessed February 17, 2015).

¹³⁰ "Shelling kills nine children in Damascus: State TV," *al-Akhbar English*, November 11, 2013, <http://english.al-akhbar.com/content/shelling-kills-five-school-children-damascus-state-tv> (accessed February 11, 2015).

mortar fire hit the University of Damascus killing 10 people and wounding 29 others.¹³¹ The Syrian Observatory for Human Rights reported that on April 10, 2014, three mortar shells fell on the Kniset al-Salib area, al-Ma'ouna school and a-Faransi hospital in the al-Qassa' area, killing one police officer and injuring several others.¹³² SANA reported that three mortar shells hit the outskirts of the Dar al-Salam School in Damascus on April 21, 2014, killing two civilians and wounding 36 others.¹³³

Attacks on Religious Sites

Human Rights Watch documented an artillery attack on the Mar Sarkis church in the old city of Damascus on August 26, 2013 at approximately 3:30-4:30 p.m. Three mortar shells struck the church and surrounding area in Bab Sharki, killing Hagop Kevork Sirkisian, a 45-year-old church caretaker and father of three, and a local coffee seller, Oussama al-Nasr, and injuring approximately 20 people.¹³⁴

Sirkisian's relatives told Human Rights Watch that Sirkisian went to the Mar Sarkis Church after it was hit by the first mortar shell to see what was happening. A man injured in the attack told them that Sirkisian was killed when a second mortar shell hit the church.¹³⁵

One of the relatives told Human Rights Watch,

They were about to leave and the second shell fell. It hit him. It was a hard hit, and he and the guy with him, they ran outside. They thought he was okay but then he fell. They found a car and took him to the Intensive Care Unit...he was hit in the back and the neck.¹³⁶

¹³¹ Joe Sterling and Hamdi Alkhshali, "Mortar shells hit Damascus college; deaths reported," *CNN*, March 29, 2013, <http://edition.cnn.com/2013/03/28/world/meast/syria-civil-war/> (accessed February 11, 2015).

¹³² "Mortars on Damascus and bombardment on Quneitra," Syrian Observatory for Human Rights, April 10, 2014, http://syriahr.com/en/2014/04/Mortars_on_Damascus_and_bombardment_on_Quneitra/ (accessed February 18, 2015).

¹³³ "Terrorist attack with three mortar shells on the outskirts of the Dar al-Salam School and Salahieh neighborhood," [n.d], video clip, YouTube, <https://www.youtube.com/watch?v=gEzrJjeNUTE> (accessed February 11, 2015).

¹³⁴ Human Rights Watch interview with Aida and Aya, Damascus, November 5, 2013; Human Rights Watch interview with Michel, Damascus, November 13, 2013.

¹³⁵ Human Rights Watch interview with Aida and Aya, November 5, 2013.

¹³⁶ *Ibid.*

Press TV, an Iranian TV station and website, also reported that on November 29, 2013 mortars hit the nearby Umayyad Mosque in the al-Hamadiya market killing four people and injuring 26 others.¹³⁷ Human Rights Watch was not able to verify the information.

¹³⁷ “Four killed, 26 injured in Damascus mortar attack,” *Press TV*, November 29, 2013, <http://www.presstv.com/detail/2013/11/29/337303/4-killed-in-damascus-mortar-attack/> (accessed February 18, 2015).

III. Opposition Groups Conducting Attacks in Damascus and Damascus Countryside

As documented above, between January 1, 2013 and April 30, 2014, opposition armed groups in control of Jobar, Beit Sahm, Ain Terma, Shabha, and Mleha in Damascus Countryside regularly shelled areas under government control in Jaramana and Central Damascus, including by carrying out indiscriminate attacks that resulted in civilian casualties. Human Rights Watch was unable to determine the specific group responsible for each shelling incident investigated. However Human Rights Watch was able to identify the groups that were conducting such operations during the time period covered.

Free Syrian Army

The Free Syrian Army (FSA) moniker was originally used to identify defectors from the Syrian security forces and army. The FSA later became the military umbrella backed by the National Coalition for Syrian Opposition and Revolutionary Forces, which was formed in November 2012. Groups identifying themselves as members of the FSA began operating under the leadership of the 30-person Supreme Military Council in December 2012.¹³⁸ The first commander of the Supreme Military Council was Brig. Gen. Salim Idris.¹³⁹ The Supreme Military Council, led since February 16, 2014 by Abdullah al-Bashir remains a loose coalition of groups based around the country, and lacks a strong central command structure.¹⁴⁰

FSA groups have made numerous announcements reflecting their repeated shelling of targets or areas in Jaramana. In May 2013, the FSA issued statements that they were shelling army outposts in and around Jaramana.¹⁴¹ They issued similar statements in

¹³⁸ The Supreme Military Council Command, "Statement on the formation of the Supreme Military Council Command of Syria," Turkey, December 2012, post to "Syrian Crisis" (blog), Carnegie Endowment for International Peace <http://carnegie-mec.org/publications/?fa=50445> (accessed February 11, 2015).

¹³⁹ Ibid.

¹⁴⁰ "Syria crisis: Guide to armed and political opposition," *BBC News*, December 13, 2013, <http://www.bbc.com/news/world-middle-east-24403003> (accessed February 18, 2015); Aron Lund, "A New Free Syrian Army Leadership," post to "Syrian Crisis" (blog), Carnegie Endowment for International Peace, April 4, 2014, <http://carnegieendowment.org/syriaincrisis/?fa=55245> (accessed February 18, 2015).

¹⁴¹ On May 11, 2013, the FSA reported firing homing missiles at the entrance of Jaramana from Mleiha. "Summary of the latest and most important military developments in Damascus and its countryside until Saturday," post to Free Syrian Army (blog), May 11, 2013, <http://www.fsa-dam.com/main/13497> (accessed February 12, 2015); On May 13, 2013, the FSA reported using ground-to-ground missiles to hit army units near Jaramana. "Latest developments and military operations in Damascus and its countryside," post to Free Syrian Army (blog), May 13, 2013,

October 2013, including on October 21 and 23 when the FSA and Liwa' Der` al-`Asimah, The Shield of the Capital Battalion, claimed responsibility for shelling Jaramana, saying they were targeting government security checkpoints.¹⁴² Notably, the Violations Documentation Center, a local monitoring group, identified three civilians killed in shelling on Jaramana on October 23, 2013.¹⁴³

The FSA also issued statements that it repeatedly struck central Damascus including on several dates in 2013: July 14, August 15, September 29, October 9, and November 6.¹⁴⁴ In some instances, the FSA said explicitly it was aiming for military targets, such as the Air Force Intelligence building in Abbasid. In other instances, FSA groups, including Liwa Habib al-Mustafa, claimed responsibility for shelling civilian objects such as the Central Bank in Sabaa Bahrat Square on October 9, 2013.¹⁴⁵ Such claims are evidence of deliberate attacks on civilian objects.

In a video posted on YouTube on August 19, 2013, a fighter from al-Fastat Al-Muslimeen Brigade, a group that is part of the Free Syrian Army, is seen firing an M79 Osa anti-tank rocket launcher, claiming to target the office of the president of the civil defense forces in Abbasid Square, a civilian object.¹⁴⁶

<http://www.fsa-dam.com/main/13583> (accessed February 12, 2015); "The Free [Syrian] Army targets *shabiha* strongholds with locally produced Ababeel 1 rockets in al-Dakhniya Damascus countryside," post to Free Syrian Army (blog), May 13, 2013, <http://www.fsa-dam.com/main/13562> (accessed February 12, 2015); On May 14, 2013, the FSA reported shelling army outposts in Jaramana. "Latest Developments and Military Operations in Damascus and its Countryside," post to Free Syrian Army (blog), May 14, 2013, <http://www.fsa-dam.com/main/13626> (accessed February 12, 2015).

¹⁴² "Free [Syrian] Army targets regime checkpoints with Katyusha rockets in Jaramana in rural Damascus," post to Free Syrian Army (blog), October 21, 2013, <http://www.fsa-dam.com/main/18621> (accessed February 12, 2015); "Free [Syrian] Army targets regime checkpoints in Jaramana in rural Damascus," post to Free Syrian Army (blog), October 23, 2013, <http://www.fsa-dam.com/main/18692> (accessed February 12, 2015).

¹⁴³ Post to Violations Documentations Center in Syria <http://www.vdc-sy.info/index.php/en/martyrs/1/c29ydGJ5PWEua2lsbGVkX2RhdGV8c29ydGRpcj1ERVNDfGFwcHJvdmVhbmF8> (accessed February 11, 2015).

¹⁴⁴ "Free [Syrian] Army targets checkpoint on southern ring road with local rockets," post to Free Syrian Army (blog), August 16, 2013, <http://www.fsa-dam.com/main/17045> (accessed February 12, 2015); "Free [Syrian] Army targets radio and television building with 107 [mm] missiles in Umayyad Square in Damascus," post to Free Syrian Army (blog), August 15, 2013, <http://www.fsa-dam.com/main/17002> (accessed February 12, 2015); "Free [Syrian] Army targets Air Force Intelligence branch in Abbasid Square in Damascus," post to free Syrian Army (blog), September 29, 2013, <http://www.fsa-dam.com/main/18119> (accessed February 12, 2015); "Free [Syrian] Army targets Central Bank in Sabaa Bahrat in Damascus," post to Free Syrian Army (blog), October 9, 2013, <http://www.fsa-dam.com/main/18337> (accessed February 12, 2015); "Free [Syrian] Army targets club for officers and military command staff in the capital of Damascus," post to Free Syrian Army (blog), November 6, 2013, <http://www.fsa-dam.com/main/18974> (accessed February 12, 2015).

¹⁴⁵ "Free [Syrian] Army targets Central Bank in Sabaa Bahrat in Damascus," post to Free Syrian Army (blog), October 9, 2013, <http://www.fsa-dam.com/main/18337> (accessed February 12, 2015).

¹⁴⁶ Formed August 31, 2012: "Formation of al-Fastat al-Muslimeen Battalion in Eastern Ghouta," [n.d], video clip, YouTube, <https://www.youtube.com/watch?v=hjuC6yuagv8> (accessed February 12, 2015); "Office of the head of Civil Defense in

Local residents and witnesses interviewed by Human Rights Watch said that based on the direction from which the shelling was coming, they believed the attacks on central Damascus were coming from Jobar, Ain Terma, Mleha and Shabha, territory held by opposition groups.

Multiple reports indicate the Free Syrian Army was active in these areas between January 2013 and April 2014. The table below summarizes some of the information gathered by Human Rights Watch based on YouTube videos posted by armed groups themselves regarding Free Syrian Army groups that were active in Jobar, Mleha, Ain Terma, and Shabha in 2013 through April 2014. Human Rights Watch is unable to tie specific groups to specific unlawful strikes.

NAME OF GROUP	CLAIM IN VIDEO
The Front of the Opening of the Capital	On July 26, 2013, this unified front was formed in Jobar composed of several groups including: Haroun al-Rashid Brigade; al-Farouq Omar Brigade; Saif al-Mustafa Brigade; Ahl al-Aktar Battaltions; Ossoud Allah Battalion; Shabaab al-Huda Battalion; Abd Allah Bin Salaam Brigade; Fustat al-Muslimeen Brigade; Zou al-Nourayn Battalion; Majid al-Habeeb Battalion; Ibad al-Haqq Brigade; Abi Zar al-Ghifari Brigade; Suyouf al-Haqq Brigade ¹⁴⁷ ; Isa Bin Meryam Battalion; al-Mujahideen Fi Sabeel Allah Battalion; al-Mujahideen wal-Ansar Brigade; al-Sultan Mohammad al-Fatih Battalion; Dar' Al-Sham Battalion; Shuhada` Jobar Battalion; Sayyidna Mohammad Peace be Upon Him Battalion; Farouq al-Sham Battalion; Fursan al-Tawheed Battalion; and Majid al-Khilafah Battalion. ¹⁴⁸
Haroun Al-Rashid	Active in Jobar as early as January 2013 ¹⁴⁹
FSA	August 6, 2013, targeting of buildings at the Jobar front, claimed to be “occupied by security and <i>shabiha</i> ,” with improvised artillery ¹⁵⁰
al-Muhajireen wal-Ansar Brigade	August 11, 2013, firing a mortar from Jobar; ¹⁵¹ August 7, 2013, firing a mortar allegedly targeting security buildings on the Jobar/Abbasid front; ¹⁵² August 19, 2013, mortars being fired in the direction of the ‘communications building’ in the Abbasid area. ¹⁵³

Abbasid Square targeted by heroes of al-Fastat al-Muslimeen Brigade,” August 19, 2013, video clip, YouTube, https://www.youtube.com/watch?v=_1Uon38WkXU (accessed February 12, 2015).

¹⁴⁷ Formed October 16, 2012 and led by Abu Gazem. “Formation of Suyouf al-Haq Battalion, part of the Free [Syrian] Army in al-Kiswa in rural Damascus,” [n.d], video clip, YouTube, <https://www.youtube.com/watch?v=mL8PNcsOMeM> (accessed February 12, 2015).

¹⁴⁸ “Statement on the declaration of the Front for the Conquest of the Capital in the Jobar neighborhood of Damascus,” [n.d], video clip, YouTube, <http://www.youtube.com/watch?v=r-oPo2PwWiA> (accessed February 12, 2015).

¹⁴⁹ “Damascus, Jobar, Haroun al-Rashid Battalion: Clashes in ‘Ukash Square,’” [n.d], video clip, YouTube, <https://www.youtube.com/watch?v=E4wLRkbc5S4&list=UUL1wkM8nSg7zoVvWEvGqbFQ>, (accessed February 12, 2015).

¹⁵⁰ Front for the Conquest of the Capital: Buildings occupied by security on the Jobar front targeted with artillery,” [n.d], video clip, YouTube, https://www.youtube.com/watch?v=ynEQHO_e2Ec&list=UUNUQ-ovlemCJWhf39PmvsUA&index=4 (accessed February 12, 2015).

NAME OF GROUP	CLAIM IN VIDEO
Shabaab Al-Huda Battalion	Active in Jobar as early as March 19, 2013 ¹⁵⁴
Farouq al-Sham Battalion, the group united with several battalions on November 20, 2013, under the banner of Al-Hurriyah wal-Karamah Brigade. ¹⁵⁵	Active in Jobar as early as February 16, 2013; ¹⁵⁶ striking Abbasid Square just outside of the neighborhood, including with improvised weapons, such as an improvised grenade launcher on February 8, 2013, ¹⁵⁷ an improvised rocket launcher on July 12, 2013, ¹⁵⁸ and another improvised rocket launcher on December 2, 2013. ¹⁵⁹
Tahreer al-Sham Brigade	Active in Jobar through April 2014. ¹⁶⁰
Sham al-Rasoul Brigade	Active in Jobar as early as September 2013; ¹⁶¹ September 27, 2013, firing improvised mortars, apparently trying to target the Air Force Intelligence building in Abbasid and “ <i>shabiha</i> ” ¹⁶²

¹⁵⁴ “al-Muhajireen wal-Ansar Brigade in Jobar, Damascus strike at Assad’s strongholds with heavy mortars,” [n.d], video clip, YouTube, <https://www.youtube.com/watch?v=sbHOQXLsIPA&list=UUGf9EUQxmz8aemGIZIW5kw> (accessed February 12, 2015).

¹⁵² “al-Muhajireen wal-Ansar Brigade in Jobar, Damascus shell security buildings with mortars,” [n.d], video clip, YouTube, <https://www.youtube.com/watch?v=Nr2Opo1jR3Q> (accessed February 12, 2015).

¹⁵³ “al-Muhajireen wal-Ansar Brigade in Jobar, Damascus strike communications building and Jobar police station with mortars before storming,” [n.d], video clip, YouTube, <https://www.youtube.com/watch?v=TyAz5tqARDw> (accessed February 12, 2015).

¹⁵⁴ Shabaab al-Huda battalion, which along with four other groups formed al-Itihad al-Islami la-Jund al-Sham on November 30, 2013, was active in Jobar as early as March 19, 2013. “ShababAlhudaTroops,” video clip, YouTube, <https://www.youtube.com/user/ShababAlhudaTroops/featured> (accessed February 12, 2015); “Shabab Alhuda,” Twitter, https://twitter.com/Shabab_Alhuda (accessed February 12, 2015); “Declaration of the Major Damascus Operations Room, which includes the brigades, battalions, and bands of Damascus and its rural environs,” November 11, 2013, video clip, YouTube, <http://www.youtube.com/watch?v=TwatalbPo5c> (accessed February 12, 2015); “Statement on the establishment of the Islamic Federation of Ajnad al-Sham in Damascus,” November 29, 2013, video clip, YouTube, <https://www.youtube.com/watch?v=ZjCk-sh5LWo> (accessed February 12, 2015); “Shabaab al-Huda battalion hitting the forts of *shabiha* in Jobar neighborhood,” [n.d], video clip, YouTube, https://www.youtube.com/watch?v=iCfN3Cjunco&list=UUg2i_xzx67ASBM_LowHeFNA (accessed February 12, 2015).

¹⁵⁵ “Declaration of the formation of the al-Hurriyah wal-Karamah Brigade in the capital of Damascus,” November 21, 2012, video clip, YouTube, <https://www.youtube.com/watch?v=oHj19EGixBk&list=UUdj9ogsD94sAGFnqTvMThmw> (accessed February 12, 2015).

¹⁵⁶ “Clashes with the Farouq al-Sham Battalion near Abbasid Square,” February 16, 2013, video clip, YouTube, <https://www.youtube.com/watch?v=5rlj3obOSQA&list=UUdj9ogsD94sAGFnqTvMThmw> (accessed February 12, 2015).

¹⁵⁷ “Maysalun checkpoint near Abbasid Square targeted with rocket,” February 8, 2013, video clip, YouTube, <https://www.youtube.com/watch?v=M51ETSclB9g&list=UUUfqsgZsKmMk5CLDCPtVtWA> (accessed February 12, 2015).

¹⁵⁸ “*Shabiha* buildings on the Abbasid front shelled,” July 9, 2013, video clip, YouTube, <https://www.youtube.com/watch?v=B99NqBqaXbE&list=UUUfqsgZsKmMk5CLDCPtVtWA> (accessed February 12, 2015).

¹⁵⁹ “*Shabiha* dens on Abbasid front shelled,” December 12, 2013, video clip, YouTube, <https://www.youtube.com/watch?v=dVB54T3QhL4&list=UUUfqsgZsKmMk5CLDCPtVtWA> (accessed February 12, 2015).

¹⁶⁰ “Tahreer al-Sham takes control of regime buildings on the Jobar front,” [n.d], video clip, YouTube, <https://www.youtube.com/watch?v=lwcaYwjpzEg> (accessed February 12, 2015).

¹⁶¹ “Statement announcing the formation of the Sham al-Rasoul Brigade under the command of Maghaweer al-Sham,” [n.d], video clip, YouTube, <https://www.youtube.com/watch?v=VSq9Dm6ah-8> (accessed February 12, 2015).

¹⁶² “Omar Bin al-Khattab Artillery Battalion, Sham al-Rasoul Brigade shells Air Force [Intelligence] branch in Abbasid Square,” [n.d], video clip, YouTube, <https://www.youtube.com/watch?v=kQ3ghFMDJrg>; (accessed February 12, 2015); ““Omar Bin al-

The Islamic Front

The Islamic Front was established in November 2013 by seven Islamist groups in Syria: Harakat Ahrar al-Sham al-Islamiyya (Ahrar al-Sham), Jaish al-Islam, Suqour al-Sham, Liwa al-Tawhid, Liwa al-Haq, Ansar al-Sham and the Kurdish Islamic Front.¹⁶³ The coalition was led by Hassan Abboud until his death on September 9, 2014.¹⁶⁴ Of these Ahrar al-Sham and Jaish al-Islam have been the most active in Damascus and Damascus Countryside including in Jobar and Mleha.

Jaish al-Islam, formed on September 29, 2013 in Eastern Ghouta and led by Zahran Alloush, was active in taking Jobar from government forces and remained active in Jobar throughout the period covered in this report.¹⁶⁵ Jaish al-Islam also participated in the operation to take the Thameco compound in Mleha in October 2013.¹⁶⁶

Ahrar Al-Sham, formed on November 11, 2011 and led by Hassan Abboud until his death and then by Abu Jaber, has also been active in Jobar.¹⁶⁷ Ahrar al-Sham was also a member of the Jund al-Malahem Operations Room, which was active in taking over the Thameco plant in October 2013 in Mleha, and which announced in a videotaped statement that Jaramana would be their next target.¹⁶⁸

Khattab Battalion, Sham al-Rasoul Brigade, shells *shabiha* dens with madfa' thulaathi in Jobar, Damascus," [n.d], video clip, YouTube, <https://www.youtube.com/watch?v=Dr9B42-ZiAs> (accessed February 12, 2015).

¹⁶³ "Syria crisis: Guide to armed and political opposition," *BBC News*, December 13, 2013, <http://www.bbc.com/news/world-middle-east-24403003> (accessed February 12, 2015).

¹⁶⁴ "Islamic Front: Statement concerning the martyrdom of commanders of Ahrar al-Sham," [n.d], video clip, YouTube, <https://www.youtube.com/watch?v=AESiVjxQQo> (accessed February 12, 2015); "Syria crisis: Guide to armed and political opposition," *BBC News*, December 13, 2013, <http://www.bbc.com/news/world-middle-east-24403003> (accessed February 12, 2015).

¹⁶⁵ "Statement on the formation of Jaish al-Islam in Damascus," September 29, 2013, video clip, YouTube, <https://www.youtube.com/watch?v=WboPeKLYah4> (accessed February 18, 2013); "Jaish al-Islam: The Islamic Front, Jaish al-Islam recovered positions in Jobar after violent battles with the *shabiha*," [n.d], video clip, YouTube, <https://www.youtube.com/watch?v=SbhEOrGtJT8> (accessed February 18, 2015).

¹⁶⁶ Soldiers from Jaish al-Islam and Jund al-Malhem enter Thameco," [n.d], video clip, YouTube, <https://www.youtube.com/watch?v=jD2mPvWTBcw> (accessed February 17, 2015).

¹⁶⁷ "Members of Ahrar al-Sham in Fierce Clashes in Jobar," [n.d], video clip, YouTube, <https://www.youtube.com/watch?v=73sH8ZEyrU4> (accessed February 17, 2015).

¹⁶⁸ "The Announcement of the formation of the Jund al-Malhem operation," [n.d], video clip, YouTube, <https://www.youtube.com/watch?v=d2q-6cq7m-Y> (accessed February 12, 2015); "Jund al-Malhem on the outskirts of Jaramana," post to al-Mada (blog), October 23, 2013, <http://www.almada.org/news/index/37703/-%D8%AC%D9%86%D8%AF-%D8%A7%D9%84%D9%85%D9%84%D8%A7%D8%AD%D9%85-%D8%B9%D9%84%D9%89-%D9%85%D8%B4%D8%A7%D8%B1%D9%81-%D8%AC%D8%B1%D9%85%D8%A7%D9%86%D8%A7> (accessed February 12, 2015); "The Golden Dispatch: Excellent montage of the liberation of the Thameco settlement, battle of the followers of the oath," [n.d], video clip, YouTube, https://www.youtube.com/watch?feature=player_embedded&v=eVhjuQO19x8 (accessed February 17, 2015).

Jabhat al-Nusra

On March 23 and April 3, 2013, Jabhat al-Nusra issued statements that they shelled Jaramana, targeting *shabiha* and security forces.¹⁶⁹

The group was also a member of the Jund al-Malahem Operations Room that was active in taking over the Thameco plant in October 2013 in Mleha, and which announced in a videotaped statement that Jaramana would be their next target.¹⁷⁰

SAYIDA ZEINAB, SHELLING OF RELIGIOUS SITES

Human Rights Watch visited the Sayida Zeinab mosque in Sayida Zeinab, Damascus Countryside in November 2013. The shrine, believed to be the tomb of Zeinab, the granddaughter of the Prophet Mohammed, is an important pilgrimage site for Shia Muslims. Local residents and members of Hezbollah who were providing security at the mosque told Human Rights Watch that the mosque had been repeatedly struck by opposition armed groups. One member of Hezbollah posted nearby told Human Rights Watch the shells were coming from Hajeyra, Yelda, and Gharbieh.¹⁷¹ Human Rights Watch observed that the mosque's south minaret had been hit by a shell coming from the west.

In two mortar attacks on the mosque on November 7, 2013, 45 people in the mosque courtyard were injured according to a doctor at the al-Mujtahid hospital who received the wounded.¹⁷²



Sayida Zeinab minaret shelled from the west.
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¹⁶⁹ Jabhat al-Nusra communique No. 288, "Targeting security groups in Jaramana, Damascus with number of rockets," March 23, 2013 <http://www.syrianarmyfree.com/vb/showthread.php?t=40385> (accessed February 19, 2015); Jabhat al-Nusra communique No. 299, "Targeting *shabiha* groups in Jaramana area, Damascus with 3 Katyusha rockets," April 3, 2013 <http://www.syrianarmyfree.com/vb/showthread.php?t=48777> (accessed February 19, 2015).

¹⁷⁰ "Jund al-Malahem on the outskirts of Jaramana," post to al-Mada (blog), October 23, 2013; "The Golden Dispatch: Excellent montage of the liberation of the Thameco settlement, battle of the followers of the oath," [n.d], video clip, YouTube. https://www.youtube.com/watch?feature=player_embedded&v=eVhjuQO19x8 (accessed February 17, 2015).

¹⁷¹ Human Rights Watch interview with Hezbollah member, Sayida Zeinab, November 9, 2013.

¹⁷² Human Rights Watch interview with doctor in al-Mujtahid hospital, Damascus, November 9, 2013.

Human Rights Watch spoke to a 16-year-old girl who was injured in the strike while she was recovering from her wounds in the hospital. She said that the mosque was shelled at approximately 4 p.m.

“We were standing in the courtyard in the area in front of the woman’s entrance into the mosque,” she said. “It was me and my cousins and we were on our way home when the shell came. Lots of people around me were injured. The courtyard was full of people.”¹⁷³

An adult relative of the girl told Human Rights Watch that 12 girls in total had been injured, many from the same family.¹⁷⁴

The Hezbollah member who spoke to Human Rights Watch in early November 2013 said that the mosque had been shelled 15 times, he believed deliberately.¹⁷⁵ In one shelling attack, on July 29, 2013, Anas Roumani, the mosque’s caretaker, was killed.¹⁷⁶

Multiple videos and reports including those posted by the Islamic Front show their repeated shelling of Sayida Zeinab, including by Jaish al-Islam.¹⁷⁷

Reports also indicate that the FSA has been shelling the area, claiming to strike military targets, including in April and November 2013.¹⁷⁸ On October 11, 2013, a video posted on YouTube shows Liwa` Sham Al-Rasoul, formed on April 1, 2013, under the leadership of Maghaweer As-Sham, an FSA

¹⁷³ Human Rights Watch interview with 16-year-old injured girl, Damascus, November 9, 2013.

¹⁷⁴ Human Rights Watch interview with relative of 16 year-old injured girl, Damascus, November 9, 2013.

¹⁷⁵ Human Rights Watch interview with Hezbollah member, November 9, 2013.

¹⁷⁶ Ibid., See also, Bassem Mroue, “Shells kill caretaker of key Shiite shrine near Damascus,” *The Star*, July 19, 2013, http://www.thestar.com/news/world/2013/07/19/shells_kill_caretaker_of_key_shiite_shrine_near_damascus.html (accessed February 12, 2015).

¹⁷⁷ “Jaish al-Islam shells regime forces’ positions in the Sayida Zeinab area with missiles,” [n.d], video clip, YouTube, <https://www.youtube.com/watch?v=YHf91nD4hAo> (accessed March 5, 2015); “Dozens of Grad missiles fired on Hezbollah positions in Sayida Zeinab,” post to Jaish al-Islam (blog), November 12, 2013, <http://islam-army.com/subject/528> (accessed February 12, 2015); “Jaish al-Islam targets positions of Hezbollah elements in Sayida Zeinab south of the capital of Damascus with several missiles,” [n.d]. video clip, YouTube, <https://www.youtube.com/watch?v=LhDCUVdw9nA> (accessed March 5, 2015); “Hezbollah strongholds in Sayida Zeinab in Damascus shelled with Grad missiles,” [n.d], video clip, YouTube, <https://www.youtube.com/watch?v=HTRNL1GUCMo> (accessed February 12, 2015); “Jaish al-Islam targets positions of Hezbollah elements in Sayida Zeinab south of the capital of Damascus with several missiles,” [n.d], video clip, YouTube <https://www.youtube.com/watch?v=iGU-EwegBaM> (accessed March 5, 2015).

¹⁷⁸ “Free [Syrian] Army targets the *shabiha* of the Abu al-Fadl al-Abbas Brigade in Sayida Zeinab in rural Damascus,” post to Free Syrian Army (blog), April 13, 2013, <http://www.fsa-dam.com/main/12202> (accessed February 12, 2015); “Free [Syrian] Army shells regime strongholds with 107 [mm] missiles in Sayida Zeinab,” post to Free Syrian Army (blog), November 10, 2013, <http://www.fsa-dam.com/main/19068> (accessed February 12, 2015); “Free [Syrian] Army strikes Abu al-Fadl al-Abbas positions with local missiles in Sayida Zeinab,” Post to Free Syrian Army (blog), November 14, 2013 <http://www.fsa-dam.com/main/19167> (accessed February 12, 2015).

group, firing a locally produced improvised mortar, claiming to target Abu Fadel al-Abbas Brigade, a pro-government militia, at the Sayida Zeinab mosque.¹⁷⁹ On October 27, 2013, another video was posted by the same group showing shelling of Sayida Zeinab with an improvised mortar.¹⁸⁰

Jabhat al-Nusra has also repeatedly shelled the area including on March 19, 2013, March 25, 2013, March 30, 2013, and November 14, 2013.¹⁸¹ In March 2013 Jabhat al-Nusra also published several claims of responsibility for explosions in the neighborhood of Sayida Zeinab targeting *shabiha* and *al-rawafid*, a term used to refer to Shias in a derogatory way.¹⁸²

HIJAZ TRAIN STATION, IMPROVISED EXPLOSIVE DEVICES

Central Damascus has also been subject to car bombings and attacks with other improvised explosive devices by opposition armed groups. In some cases these explosions have detonated in populated civilian areas, causing indiscriminate civilian casualties. On November 6, 2013 a device exploded on the steps in front of the Hijaz train station at approximately 1 p.m. according to Tarek, a nearby shop owner.¹⁸³ Mouawad, who works in a store near the station, told Human Rights Watch that the bomb injured approximately 40 people. He saw the injured on the sidewalk. “Lots of people on the ground, maybe 10, were not moving,” he said.¹⁸⁴

¹⁷⁹ “Sham al-Rasoul,” [n.d], video clip, YouTube, <https://www.youtube.com/user/shamcommandos/feed> (accessed February 12, 2015); “Statement announcing the formation of the Sham al-Rasoul Brigade under the command of Maghaweer al-Sham,” [n.d], video clip, YouTube, <https://www.youtube.com/watch?v=VSq9Dm6ah-8> (accessed February 12, 2015); “Sham al-Rasoul Brigade flatten Abu al-Fadl al-Abbas Brigade bands in the environs of the tomb of Sayida Zeinab with mortars,” October 12, 2013, video clip, YouTube, <https://www.youtube.com/watch?v=2WXnPlwBBUg> (accessed February 12, 2015).

¹⁸⁰ “Sham al-Rasoul Brigade flattens *shabiha* bands in Sayida Zeinab and al-Birqadar with mortars,” October 27, 2013, video clip, YouTube, https://www.youtube.com/watch?v=7kJs2-uzbCg&list=UUL_gPjHqFaSRZMxQIHUtglw (accessed February 12, 2015).

¹⁸¹ Post to Free Syrian Army (blog), <http://www.syrianarmyfree.com/vb/archive/index.php/t-37088-p-2.html> (accessed February 12, 2015); Post to Syrian Free Army (blog), <http://www.syrianarmyfree.com/vb/archive/index.php/t-37088-p-2.html> (accessed February 12, 2015); Jabhat al-Nusra, “Communique No.302 to 306,” March 30, 2013, post to pietervanostaeyen (blog), <https://pietervanostaeyen.wordpress.com/2013/06/18/jabhat-an-nusra-communications-302-to-306/> (accessed February 18, 2015); Jabhat al-Nusra Communique No. 435 Government *shabiha* positions targeted by mortars and rockets in Damsacus Suburb, November 23, 2013, post to Justpasteit (blog), <http://justpaste.it/dnyk> (accessed February 19, 2015).

¹⁸² Post to Free Syrian Army (blog), <http://www.syrianarmyfree.com/vb/archive/index.php/t-37088-p-2.html> (accessed February 12, 2015); Post to Free Syrian Army (blog), <http://www.syrianarmyfree.com/vb/archive/index.php/t-37088-p-2.html> (accessed February 12, 2015).

¹⁸³ Human Rights Watch interview with Tarek, Damascus November 9, 2013.

¹⁸⁴ Human Rights Watch interview with Mouawad, Damascus, November 9, 2013.

An administrator at the al-Mujtahid hospital, where the dead and injured were taken, told Human Rights Watch that 10 people were killed and 41 injured in the attack.¹⁸⁵

He said that nine children were among the injured and that one child died.¹⁸⁶ He said the injuries were caused by a bomb with metal fragments in it, based on what he observed.

One of the injured men, Wajih, a 39-year-old worker who was cleaning the station's façade, said that three of his co-workers were killed and two others injured along with him.¹⁸⁷

On November 6, SANA reported that the bomb blast at the station killed eight people, including two women and injured dozens more.¹⁸⁸



Hijaz train station, damage from November 6, 2013 explosion. © 2013 Human Rights Watch

¹⁸⁵ Human Rights Watch interview with administrator at al-Mujtahid hospital, Damascus, November 9, 2013.

¹⁸⁶ Ibid.

¹⁸⁷ Human Rights Watch interview with Wajih, Damascus, November 9, 2013.

¹⁸⁸ "Death of 8 persons, in a bomb blast, in center Damascus, and mortar shells with no victims," *Al-Riyadh*, November 7, 2013, <http://www.alriyadh.com/2013/11/07/article881963.html> (accessed February 11, 2015).

IV. Unlawful Attacks in Homs

Background: The Battle for Homs

Anti-government protests erupted in Homs weeks after the uprising began in the southern city of Daraa in mid-March 2011. By the end of April, thousands of residents were taking to the streets despite security forces and government-supported militias violently attacking and dispersing peaceful protests.¹⁸⁹ The crackdown left dozens dead. By May 2011, tanks were being sent to Homs governorate to suppress dissent.¹⁹⁰

Opposition supporters in Homs began to take up arms and fierce street battles ensued between newly formed opposition brigades and government security personnel. As the opposition fighters began taking over several districts, including the southwestern neighborhood of Baba Amr, the Syrian military began launching counter offensives. On February 4, 2012, the military launched an offensive on Baba Amr and subjected it to a month of relentless bombardment in which it deliberately and indiscriminately targeted civilians with heavy weapons that left Baba Amr destroyed and deserted.¹⁹¹ An estimated 700 people were killed as civilians bore the brunt of the assault.¹⁹²

By June 2012, the government had laid siege to areas in Homs under opposition control, denying the population access to food and medical supplies, and subjecting them to frequent bombardment by artillery and aircraft. Then in 2013 the government launched major offensives to consolidate its control over the parts of Homs city they still held, and backed by Hezbollah, the Lebanese Shia militia, in July 2013 the government captured the neighborhood of Khalidiya.¹⁹³

By late January 2014, the Old City neighborhood in Homs was still held by the opposition, where up to 3,000 civilians were believed to have been trapped without access to food and

¹⁸⁹ "Syria: Crimes Against Humanity in Homs," Human Rights Watch news release, November 11, 2011, <http://www.hrw.org/news/2011/11/11/syria-crimes-against-humanity-homs>.

¹⁹⁰ Human Rights Watch, *Syria—We Live as in War: Crackdown on Protesters in the Governorate of Homs*, November 2011, http://www.hrw.org/sites/default/files/reports/syria1111webwcover_o.pdf, p. 26.

¹⁹¹ "Syria: New Satellite Images Show Homs Shelling," Human Rights Watch news release, March 2, 2012, <http://www.hrw.org/news/2012/03/02/syria-new-satellite-images-show-homs-shelling>.

¹⁹² Ibid.

¹⁹³ Paul Wood, "Syria army 'retakes' key Homs district of Khalidiya," *BBC News*, July 29, 2013, <http://www.bbc.com/news/world-middle-east-23488855> (accessed February 11, 2015).

medical supplies and under repeated bombardment since June 2012. A UN-brokered temporary ceasefire was reached in February 2014, allowing the evacuation of non-combatants and some deliveries of humanitarian aid to those who chose to remain in the neighborhood.¹⁹⁴

At the time of writing, the predominately Sunni neighborhood of al-Waer, just two kilometers away from the Old City neighborhood, and the only remaining neighborhood in rebel control, has been under siege and subject to attack by Syrian government forces since negotiations with opposition armed groups there faltered in January 2015.¹⁹⁵

In 2013, amid the Syrian government's consolidation efforts in Homs, opposition armed groups, operating from both inside and outside the city increasingly attacked neighborhoods controlled by the government. Areas home to religious minorities viewed as supporting the government, and particularly Alawites, were often targeted for attack.

Unlawful Attacks on Government-Held Areas in Homs

Human Rights Watch has collected evidence of many mortar attacks since January 2013 and car bombs and other explosions since January 2012 that have killed civilians in Homs neighborhoods under government control, particularly neighborhoods with predominantly Alawite populations. Any such attacks that do not target military objectives are unlawful.

Based on witness statements and investigations of damage sites, Human Rights Watch concluded that all of these attacks originated in territory held by opposition armed groups.

Human Rights Watch visited al-Zahra, Akrama, and al-Nazha and has documented three car bombings in these areas with no apparent military targets in the vicinity at the time of the attacks. Human Rights Watch also collected information on dozens of artillery attacks resulting in civilian fatalities and injuries in these areas.

¹⁹⁴ Patrick Cockburn, "An end to terror for chosen few," *The Independent*, February 7, 2014, <http://www.independent.co.uk/news/world/middle-east/an-end-to-terror-for-chosen-few-is-early-sign-of-syrian-peace-as-evacuations-from-besieged-city-of-homs-begin-alongside-threeday-ceasefire-9115748.html> (accessed February 11, 2015).

¹⁹⁵ "Rebel sources deny waer truce; negotiations in 'trust-building' phase," *Syria Direct*, January 15, 2015, <http://syriadirect.org/main/30-reports/1790-rebel-sources-deny-waer-truce-negotiations-in-trust-building-phase> (accessed February 20, 2015). "Homs al-Waer, the neighbourhood is targeted with napalm," January 15, 2015, video clip, YouTube, https://www.youtube.com/watch?v=r3syl_kCM2g (accessed February 20, 2015); "Rising smoke resulting from targeting the Waer neighbourhood, surrounded by incendiary bombs," <https://www.youtube.com/watch?v=TaN-fzcXunE> January 12, 2015, Video clip, YouTube, (accessed February 20, 2015).

Akrama, al-Nazha, and al-Zahra are mostly Alawite neighborhoods, with a small number of Sunni and Christian residents. Many Sunni families as well as others have left these neighborhoods reportedly because of rising sectarianism and insecurity.¹⁹⁶ During the period of attacks covered in the report, these neighborhoods were in close proximity to areas controlled by opposition armed groups.

Media sources have reported that the Akrama and al-Zahra neighborhoods and other “Pro-Assad” neighborhoods have been used by government forces to launch attacks against rebel held areas.¹⁹⁷ In some cases media described them as strongholds for pro-government militias, or *shabiha*.¹⁹⁸ Government forces and pro-government militias may have placed residents at unnecessary risk of attack by launching attacks from these areas. However this would have not justified opposition armed group attacks that were indiscriminate or caused disproportionate civilian casualties.

The head of the police station in Bab Sba`, Homs, responsible for several neighborhoods including Akrama, al-Zahra, Nazha, Wadi Dehab, Arman, and Qdawya told Human Rights Watch in November 2013 that seven car bombs had exploded in the area before then, and that there had been three explosions caused by improvised explosive devices.¹⁹⁹

He also said that approximately 70 to 80 civilians had been killed because of the shelling.²⁰⁰ He said that the shelling originated in al-Warsha, Bab Hud, Sufsafa, Bab al-Turkman, and Bab Tadmour, areas under the control of opposition groups at the time.²⁰¹ A member of Military Intelligence in Homs who spoke to Human Rights Watch said that the shells hitting the city were often locally produced mortars.²⁰²

¹⁹⁶ Rahif Ghanem, “Alawite Families in Homs: Between the Fire of the Opposition and the Fire of the Regime,” The Damascus Bureau, July 22, 2013, <http://www.damascusbureau.org/?p=5609> (accessed February 11, 2015).

¹⁹⁷ Ibid.

¹⁹⁸ Lauren Williams, “Civilians become weapons in Syria’s Civil War,” *Middle East Eye*, June 13, 2014, <http://www.middleeasteye.net/news/civilians-become-weapons-syrias-civil-war-1138296255> (accessed February 11, 2015); “Syrian Observatory for Human Rights,” Facebook, <https://www.facebook.com/syriahroe/posts/533118296796513> (accessed February 11, 2015).

¹⁹⁹ Human Rights Watch interview with the head of the police station in Bab Sba`, Homs, November 7, 2013.

²⁰⁰ Ibid.

²⁰¹ Ibid.

²⁰² Human Rights Watch interview with a member of Military Intelligence in Homs, Homs, November 7, 2013.



Improvised explosive devices seized by Military Intelligence in Homs.

© 2013 Human Rights Watch



Locally produced rocket seized by Military Intelligence in Homs.

© 2013 Human Rights Watch

Human Rights Watch documented a car bombing in Thabtieh, a small Shia village in Homs countryside, on November 4, 2013, that residents believe was targeted solely because its inhabitants are Shia and are therefore perceived to be government supporters.

Jabhat al-Nusra has claimed responsibility for numerous lethal car bombings in Homs and elsewhere that had no apparent military target. Six Jabhat al-Nusra statements in 2013-2014 obtained by Human Rights Watch claim responsibility for car bombings or other explosions in Homs.²⁰³

A mediator involved in negotiations between the government and armed groups based in the Old City of Homs told Human Rights Watch in April 2014 that certain armed groups there have openly threatened to target pro-government or Alawite areas in Homs to pressure the government to allow food into the Old City, which remained under siege. The negotiator said that in one exchange that April, opposition fighters sought to negotiate safe passage of food into the Old City in exchange for information about where they had placed a car bomb in an Alawite area.²⁰⁴

The government's siege tactics, including in the Old City of Homs, often use starvation as a weapon of war or otherwise block humanitarian aid – all serious laws-of-war violations that amount to war crimes.²⁰⁵ However, such violations do not permit indiscriminate attacks by opposition groups against civilians in reprisal or as a means to pressure government forces to allow humanitarian aid. Whatever their purpose, such attacks are likewise war crimes.

Car Bombs on Akrama, al-Zahra, and al-Nazha

July 8, 2013 Twin car bombs on Hadara Street in Akrama

On July 8, 2013, two car bombs exploded on Hadara Street in Akrama, a popular commercial street, killing at least six civilians and injuring approximately 40 more.²⁰⁶

²⁰³ See Appendix.

²⁰⁴ Human Rights Watch interview with mediator, Beirut, April 2014.

²⁰⁵ "Syria: Defying Security Council on Aid Access," Human Rights Watch news release, March 28, 2014, <http://www.hrw.org/news/2014/03/28/syria-defying-security-council-aid-access>.

²⁰⁶ Human Rights Watch interviews with Hussein, Tony, Lara, and Anwar Homs, November 6, 2013; Human Rights Watch interview with Yousef, Homs, September 9, 2013; See also, "al-Akhbariya al-Souriya: Explosion of two car bombs on Hadara Street in Akrama, in Homs, early reporting of casualties," *Lebanon Files*, July 8, 2013, <http://www.lebanonfiles.com/news/570525> (accessed February 18, 2015); "Sana: Explosion of two car bombs on Hadara Street in Akrama residential neighborhood, in Homs, early reporting of casualties," *al-Nahar*, July 8, 2013, <http://bit.ly/1EX4R7z> (accessed February 18, 2015).

Human Rights Watch visited the scene of the bombings that November and spoke to local residents and business owners, some of whom were injured in the attack. Hussein, a local shop owner, told Human Rights Watch he was in his shop, several meters from where the first car exploded at around 3:30 p.m. that day and that he and others in his shop were injured. He said,

I was in the store. My knees were injured in the attack. I was hit with shrapnel of fine glass from the broken window and glass in the shop. I had customers who were also injured. We were four people in the store and were all injured. I wasn't paying attention to the car. It just went off. It was less than a second. It was just the shock and then the fire. We had to treat ourselves.²⁰⁷

He also said that a 19-year-old girl, who was celebrating her birthday at a restaurant next door, and was standing on the street when the bomb exploded, was killed. "There was blood everywhere," he said.²⁰⁸



The aftermath of the second bombing. © 2013 Private

The second explosion, which happened minutes later near an intersection with a traffic light on Hadara Street about 200-300 meters away, killed at least another five civilians according to local residents.²⁰⁹

²⁰⁷ Human Rights Watch interview with Hussein, Homs, November 6, 2013.

²⁰⁸ Ibid.

²⁰⁹ Human Rights Watch interviews with Hussein and Tony, Homs, November 6, 2013.

Those killed were Zulficar Ali, a baccalaureate student; Mohammed Abaydow; Tony Sara, a university professor; a 10-year-old boy; and Hanady Mohammed Rida, a fourth year civil engineering student.²¹⁰

The site of the bombings, which Human Rights Watch inspected, was a busy commercial area. Witnesses said there were no military targets in the vicinity at the time of the attack.

In an earlier incident, on February 28, 2013, a car bombing was reported in Akrama near the Teshrin pool and Sahara complex that killed from one to five people and injured 24 others.²¹¹

October 24, 2013 Car Bomb attack on al-Nazha Square

About 12:30 p.m. on October 24, 2013, a car bomb exploded on al-Ahram Street near the



The shop owner injured in the bombing.

© 2013 Human Rights Watch

al-Nazha Square, killing at least three people and injuring dozens, according to local shop owners.²¹² One local shop owner told Human Rights Watch that he had been sitting outside his shop when the bomb exploded, injuring his left eye, which was still bandaged when he spoke to Human Rights Watch.

The shop owner said that three people, including a 70-year-old man, were killed in the blast.²¹³ Jabhat al-Nusra claimed responsibility for the incident, saying that it was a reaction to government attacks against Sunni

²¹⁰ Human Rights Watch interviews with Lara and Tony, Homs, November 6, 2013.

²¹¹ “Official source: One citizen killed and 24 injured in car bomb explosion in Homs,” *Kuwait News Agency*, February 28, 2013, <http://www.kuna.net.kw/ArticleDetails.aspx?id=2295674&language=ar> (accessed February 11, 2015).

²¹² Human Rights Watch interviews with Hussein and Jaffar, Homs, November 6, 2013. The incident was also reported on several Facebook pages. See, for example, “Omawi Live Syria 24,” Facebook, <https://www.facebook.com/Omawilive2/posts/373224109476804> (accessed February 19, 2015).

²¹³ Human Rights Watch interview with Jaffar, November 6, 2013. The 70-year-old man’s name was Aziz Saqr. The shop owner did not know the names of the others because they were not from the area. Saqr’s name was also mentioned on a Facebook

neighborhoods.²¹⁴ A video posted on YouTube shows the aftermath of the explosion including some of the cars and storefronts damaged by the blast.²¹⁵

April 29, 2014 Twin Car Bomb Attack on al-Zahra

On April 29, two car bombs detonated in al-Zahra, a predominately Alawite neighborhood. A video published by al-Akhabriya, a pro-government news agency, shows some of the resulting destruction including some of the nearby buildings and cars that caught fire and were damaged, and civilians fleeing.²¹⁶ Jabhat al-Nusra released a statement on April 30 claiming responsibility for the bombings.²¹⁷

Ahmad, a neighborhood resident, told Human Rights Watch by phone that he heard the first car bomb detonate at 1:15 p.m., and the second bomb minutes later. He said the cars were parked near Abbasiyya Square, a popular commercial area. He estimated that the nearest military object, an army checkpoint, was 1.5 kilometers away.²¹⁸

A hospital administrator told Human Rights Watch on April 30 that based on information gathered from the two hospitals where first responders were sending the casualties, the death toll was 55 and 130 people had been wounded.²¹⁹ Children were among the dead.²²⁰ Salah, another resident, was on the scene rescuing the wounded from the first blast. He told Human Rights Watch that a second blast occurred 10 minutes later:

post. "Homs Central Region News Network," Facebook, https://www.facebook.com/permalink.php?story_fbid=245235098959310&id=185844038231750 (accessed February 19, 2015).

²¹⁴ Jabhat al-Nusra communique No. 423 Jabhat al-Nusra targets the Nusayri neighborhood of al-Nazha in Homs with a car bomb, October 28, 2013, <http://syrianarmyfree.com/vb/showthread.php?t=57494> (accessed February 19, 2015);

"Orient News: Jabhat al-Nusra has bombed the sectarian *shabiha*'s positions in al-Zahra neighborhood in Homs," [n.d], video clip, YouTube, https://www.youtube.com/watch?v=_CMAq07-5nQ (accessed February 18, 2015).

²¹⁵ "Car bomb blast in al-Nazha, Homs," [n.d], video clip, YouTube, http://youtu.be/auh8BpG_CLk (accessed February 12, 2015).

²¹⁶ "Double terrorist blast in the Zahra neighborhood in Homs," April 29, 2014, video clip, YouTube, <https://www.youtube.com/watch?v=92iyZpWFmDQ> (accessed February 12, 2015).

²¹⁷ Jabhat al-Nusra communique No. 486 *Shabiha* bands targeted with two car bombs in the Abbasiya neighborhood, Homs, April 29, 2014, post to arrahmah (blog), <http://www.arahmah.com/arabic/486-jbht-an-nst-asthdaf-tjmat-ash-shbyht-bsyartyn-mfkhkhtyn-hy-al-basyt-hms.html> (accessed February 12, 2015).

²¹⁸ Human Rights Watch interview with Ahmad, by phone, April 30, 2014.

²¹⁹ Human Rights Watch interview with hospital administrator, by phone, April 30, 2014.

²²⁰ "Zahra blast, Abbasiya neighborhood," April 29, 2014, video clip, YouTube, <https://www.youtube.com/watch?v=xnvsq099PLo> (accessed February 12, 2015); Human Rights Watch interview with Ahmad, by phone, April 30, 2014.

I was about 6 to 7 meters from the second explosion. All I could see was smoke and fire. My brother was with me and we tried to pull each other out. I don't know who took me to the hospital. Two guys ran away from me from fear of all the blood on me. I have shrapnel injuries all over my body. Some are serious ... I saw limbs from other victims...Some people even 70 meters away were injured. Some people that were watching on their balconies, children were killed.... The explosions took place at a time when children were leaving school and university students were walking around. There is also a famous market in the area and there were shoppers.²²¹

Salah said there were no military targets in the area.²²²

In an earlier incident, on March 17, Lebanese media and pro-government Syrian news outlets al-Akhabriya and SAMA TV reported that a car bomb had exploded in al-Zahra, killing and injuring civilians.²²³ A SAMA TV broadcast posted on YouTube shows some of the destruction from the blast including damaged and burning cars, the emergency response, and an injured man.²²⁴ Jabhat al-Nusra claimed responsibility for the March 17 strikes, and estimated that dozens of people were killed and injured.²²⁵

Akrama has also been subjected to repeated car bombings. On April 14, 2014, SANA reported that a car bombing in Akrama killed four people and injured 30. Videos showing the aftermath corroborated the attack.²²⁶

²²¹ Human Rights Watch interview with Salah, by phone, May 1, 2014.

²²² Ibid.

²²³ "al-Mayadeen: A number of killed and wounded in a big explosion in al-Zahra neighborhood," *Lebanon News*, March 18, 2014, <http://bit.ly/1ALiM3a>, (accessed February 18, 2015); "6 killed in a car bomb in al-Zahra a pro-Assad neighbourhood in Homs," *al-Nahar net*, March 17, 2014, <http://bit.ly/1kD5NFu> (accessed February 18, 2015); "Homs, Syria: Terrorist blast with car bomb in Zahra neighborhood," [n.d], video clip, YouTube, <https://www.youtube.com/watch?v=BLURpR3oDcc> (accessed February 12, 2015); "Sama Channel: Homs: Terrorist blast with car bomb in the square of the Zahra neighborhood," March 17, 2014, video clip, YouTube, <https://www.youtube.com/watch?v=ULGNTAKa3Uo> (accessed February 12, 2015).

²²⁴ "Sama Channel: Homs: Terrorist blast with car bomb in the square of the Zahra neighborhood," March 17, 2014, video clip, YouTube, <https://www.youtube.com/watch?v=ULGNTAKa3Uo> (accessed February 12, 2015).

²²⁵ Jabhat al-Nusra communique No. 478 Car bomb blast in the Nusayri Zahra neighborhood in Homs, March 25, 2014, post to Just Paste It (blog), <http://justpaste.it/ev1u> (accessed February 12, 2015).

²²⁶ "Car bomb explosion in al-Ashaq street, Akrama neighbourhood in Homs," *Lebanon News*, April 14, 2014, <http://bit.ly/1EsluHh> (accessed February 17, 2015); "Sana: 4 killed and 30 others wounded in a car explosion in Akrama neighborhood in Homs," *al-Nashra*, April 14, 2014, <http://www.elnashra.com/news/show/735153/%D3%C7%E4%C7-%E3%DE%CA%E1-%C3%D4%CE%C7%D5-%E6%C5%D5%C7%C8%C9-%C2%CE%D1%ED%E4-%C7%E4%DD%CC%C7%D1-%D3%ED%C7%D1%C9-%E3%DD%CE%CE%C9-%C8%CD> (accessed February 17, 2015); "First minutes of the blast in 'Ushaq Street in the Akrama neighborhood," , April 14, 2014, video clip, YouTube, <https://www.youtube.com/watch?v=k6PPCTlyavo> (accessed February 12, 2015).

Mortar and Rocket Attacks on Civilian Areas

Human Rights Watch has collected information about dozens of attacks on residential and commercial areas in Akrama, al-Zahra and Bab Sba` between January 1, 2013 and April 30, 2014. Most of the attacks documented by Human Rights Watch in Homs were rocket attacks. Remnants from some of the attacks examined by Human Rights Watch indicate that Grad rockets were used. Where it was possible to establish the direction of fire by examining the damage site, the rocket attacks in Akrama appeared to be from the northwest. Local residents said that artillery shells appeared to come from the direction of the Old City of Homs and rockets from Talbiseh, areas then under the control of opposition armed groups.²²⁷ The head of the police station in Bab Sba` told Human Rights Watch that the shelling originated in al-Warsha, Bab Hud, Sufsaafa, Bab al-Turkman, and Bab Tadmour, areas under the control of opposition armed groups at the time.²²⁸ In none of the cases investigated, did any group claim responsibility.

Mapping out the attacks, Human Rights Watch was not able to detect any particular pattern or identify any specific targets of the attacks. The use of mortars and other artillery with wide-area effects or unguided rockets in populated areas invariably raises grave concerns of indiscriminate or disproportionate attacks against civilians, even if the presence of a military objective could be demonstrated.

Attacks on Commercial and Residential Areas

On January 22, 2013, three mortar shells hit an intersection in al-Zahra, killing two civilians, including a 17-year-old, and wounding several others. Fareed, who lost both his legs in the attack, told Human Rights Watch that he had been walking down the street when he heard the first shell hit. He and others ran to the site to help the injured when the second round struck. He said that four other people lost both of their legs in the attack.²²⁹ Human Rights Watch found that the mortar shells had hit the northeastern corner of a building, suggesting they were fired from that direction.

About 6 p.m. on June 5, 2013, two rockets hit residential buildings in Akrama, killing a 5-year-old girl and injuring five others, according to local residents. One rocket hit the

²²⁷ Human Rights Watch interviews with Tony, Hussein, and the principal of Akrama al-Makhzoumi school, Homs, November 6, 2013; Human Rights Watch interview with Yousef, September 9, 2013.

²²⁸ Human Rights Watch interview with the head of the police station in Bab Sba`, Homs, November 7, 2013.

²²⁹ Human Rights Watch interview with Fareed, Homs, November 6, 2013.

second floor of the Ali family home, killing their daughter Mona. Mona’s mother told Human Rights Watch:

Mona was just finishing kindergarten and preparing to start school. We were talking about buying school supplies the following day. I don’t remember what happened, but when I woke up I was in the hospital and they told me that Mona had died.²³⁰



Commemoration poster of Mona Ameen Ali, age 5.

© 2013 Human Rights Watch

The Ali family showed Human Rights Watch a remnant of the rocket, which they found in the destroyed apartment after the attack. Human Rights Watch identified the remnant, a deformed circular metal “plate” with seven venturi holes, as a part of the nozzle assembly of a Grad rocket.

About 6 p.m. on July 30, 2013, a rocket hit a residential building on Tulaytleh Street in Akrama. Nobody was injured. Faris, the owner of an apartment in the building that was hit, who had previously served in the military, told Human Rights Watch that he found remnants of a Grad rocket after the attack.²³¹

On August 23, 2013, five rockets hit a residential area on Balansia Street behind a local hospital in Akrama, according to local residents. Nobody was injured. Faris’ home was among those hit and he showed Human Rights Watch two tube-like remnants and marks on the roof that indicated that the rockets had come from the north-west.²³² Based on the

²³⁰ Human Rights Watch interview with Mona’s mother, Homs, November 6, 2013.

²³¹ Human Rights Watch interview with Faris, Homs, November 6, 2013.

²³² Ibid.

diameter of the tubes and the flower blossom deformation of the end of the tube, Human Rights Watch identified the remnants as belonging to a Grad rocket.

About 1 a.m. on September 9, 2013, a rocket hit the Mohammad family's apartment on the second floor of a building in a residential area in Akrama, instantly killing the 40-year-old mother of the family and injuring other family members. Hady, one of the injured relatives, told Human Rights Watch,

I was watching TV, my daughter was playing on the computer and my wife was sitting on the floor in the middle of the room when the rocket hit. I was conscious, shouting, but I couldn't move because of the debris on top of me.²³³

Hady suffered a broken hip, hand and leg. His 9-year-old son suffered a severe injury to his head, and his 28-year-old daughter suffered from fragment injuries to her back, which also destroyed parts of her muscles on her left upper arm. The wall that was hit faces north-west, suggesting the rocket came from that direction.

Hady and his daughter, age 28. © 2013 Human Rights Watch



²³³ Human Rights Watch interview with Hady, Homs, November 6, 2013.

On September 29, 2013, a rocket struck an apartment in a residential building in the Akrama neighborhood, injuring some people on the street, according to Nadim, the apartment owner, and members of his family.²³⁴ Nadim told Human Rights Watch that his mother and father were in an interior room and that one of the walls fell on his mother, but that she was not seriously hurt.²³⁵ The wall that was hit faces north-west.

On October 6, 2013, a mortar shell struck a street in Akrama, damaging a car, and badly injuring the driver and his son, according to local residents.²³⁶

About 5:45 p.m. on October 12, a rocket hit a residential building on the al-Nibras street in the Bab Sba` neighborhood, killing three and injuring seven, according to local residents and the brother of one of those killed.²³⁷ Among those wounded were three sisters aged between 14 and 18, one of whom lost her leg in the attack. Neighbors showed Human Rights Watch photographs of the remnants of what appeared to be a Grad rocket. Human Rights Watch confirmed that the balconies on the building showed signs of damage consistent with the account. The building was hit on the wall facing north-west.

A local resident told Human Rights Watch that a shell exploded in front of his home at about 6:15 p.m. in the Akrama Park in late October 2013, injuring children.²³⁸

Attacks on Schools

Human Rights Watch has collected information on five mortar attacks striking schools or near to schools in al-Zahra and Akrama between January 1, 2013 and April 30, 2014.

On March 19, 2013, a mortar shell hit the street on the north-east corner of the Nidal al-Arabi school in al-Zahra, killing four boys aged between 10 and 16 and severely injuring a fifth.²³⁹ Ousama, 12, the boy who was wounded in the attack, told Human Rights Watch:

²³⁴ Human Rights Watch interview with Nadim, Homs, November 6, 2013.

²³⁵ Ibid.

²³⁶ Human Rights Watch interview with Fareed, Homs, November 6, 2013.

²³⁷ Those killed were Samika Isa (52), Kinana Hazim (28) and Adel Dabass (58). Human Rights Watch interview with Sultan and Abdullah, Homs, November 7, 2013.

²³⁸ Human Rights Watch interview with Hussein, Homs, November 6, 2013.

²³⁹ Those killed in the attack were Khalil Ibrahim (11), Jafar Giath Al-Numrah (10), Firas Hamdan (10), and Said Faisaal al-Hasan (16).

I was with my friend Khalil. On that day we went to play outside the school, just as we usually do, but then I don't remember anything else. When I woke up the next day I was in the hospital and I found out that four kids including Khalil had been killed.²⁴⁰

Ousama sustained serious injuries to his head and stomach and showed Human Rights Watch scars from fragmentation injuries on his stomach that were still visible 10 months after the incident.

On May 27 or 28, 2013 at about 7:30 p.m. three rockets or artillery shells struck near to or in the garden of the Qutaybeh school in the Jaber Domat neighborhood. Fayeze, who works in the nearby al-Zaem hospital told Human Rights Watch that a man and his fiancé wounded in the strike were brought to the hospital. "The guy died right away and the girl after 30 minutes," he said. "Her entire right side was gone. Her body was full of shrapnel. The guy was completely gone, his whole body." He said that another man also lost his arm in the attack.²⁴¹



Damage caused by a mortar shell to the Akrama al Makhzoumi school. © 2013 Human Rights Watch

²⁴⁰ Human Rights Watch interview with Ousama, Al-Zahra, Homs, November 6, 2013.

²⁴¹ Human Rights Watch interview with Fayeze, Homs, November 6, 2013.

Hamed who lived nearby, said that his son was standing in front of the door to the house when another rocket or artillery shell struck the road and injured him. He said that the caretaker of the garden was also injured.²⁴²

In Akrama, the principal of Akrama al-Makhzoumi school told Human Rights Watch that the school was shelled on July 8, 2013 with mortar fire that came from the north, from the direction of the Old City of Homs, an area then under the control of opposition armed groups.²⁴³ The previous day a mortar shell hit the school's outer wall. Human Rights Watch visited the school and observed the damage caused by the mortar attacks. The principal said no one was injured in the attacks.

The principal told Human Rights Watch that earlier shelling, on May 19, 2013, killed Ali Omar, a sixth grade student. "They were gathering their books after the last day of exams," she said. "They did a celebratory dance and song, and 30 minutes later he was killed on his way home...his house is 200 meters from the school."²⁴⁴



Photo of Ali Omar hung at school alongside others who have been killed in the war.

© 2013 Human Rights Watch

²⁴² Human Rights Watch interview with Hamed, Homs, November 6, 2013.

²⁴³ Human Rights Watch interview with the principal of Akrama al-Makhzoumi school, Homs, November 6, 2013.

²⁴⁴ Ibid.

At about 1:45 p.m. on October 17, 2013 three shells detonated at an intersection by the Sayida Ruqaya School in al-Zahra, killing two people and injuring others, local residents said.²⁴⁵

One of the mortar shells killed Shahera Khaddour, 65, and injured her 2-year-old grandchild, according to the toddler's mother.²⁴⁶ A second mortar shell killed 16-year-old Zein al-Ali. Human Rights Watch visited the site and observed apparent fragmentation marks in the asphalt. At the time of the visit the area was full of children.

One man who was injured in the mortar attack told Human Rights Watch: "I was standing on the corner across from the school when the shell fell. I was injured in both of my legs with shrapnel from a small mortar. My son was also injured."²⁴⁷ The man told Human Rights Watch that 14 people were injured in the attack and that shells had fallen on the school multiple times before the October 17 attack.

²⁴⁵ Human Rights Watch interview with Sami and Mona, Homs, November 7, 2013.

²⁴⁶ Human Rights Watch interview with Mona, Homs, November 7, 2013.

²⁴⁷ Human Rights Watch interview with Sami, November 7, 2013.

V. Opposition Groups Conducting Attacks in Homs

In Homs governorate in central Syria, opposition armed groups, while holding less territory than in Damascus, in 2013 used their positions there to shell government-held territory, at times indiscriminately. Human Rights Watch is unable to determine the specific group responsible for each shelling incident documented but can identify the groups that were conducting such operations during the time period covered in the report.

Several groups, including the Islamic Front (al-Haq Brigade), Jabhat al-Nusra, al-Farouq Brigades, and the FSA (Ahfad Khaled Bin Walid Battalion) participated in a campaign, called the *Sab al-Niran* campaign, that targeted areas identified as “loyal to the regime” including al-Zahra, Akrama, and al-Nazha.²⁴⁸ In September the group behind the campaign, the “Council of Managing the Crisis in the City of Homs”, announced that they would target pro-government areas in Homs mostly inhabited by Alawites. They alleged that the government was using those areas to shell and besiege other parts of the city including al-Waer.²⁴⁹ They gave the government a deadline by which to end alleged unlawful actions before the strikes would begin.²⁵⁰ Later statements by armed groups participating reiterated this.

In discussing the strikes on the residential areas, a military spokesperson for “besieged Homs,” Abu Azzam al-Ansari, said that the primary targets of the campaign would be government military targets, but that government forces deployed in civilian areas would also be shelled. He added that he feared there would be civilian deaths but said there were no other options.²⁵¹

²⁴⁸ “Gushing Fires Campaign: Mortars of various calibers rain down on loyalist villages,” October 12, 2013, video clip, YouTube, https://www.youtube.com/watch?v=D546Y_8MNUs, (accessed February 12, 2015); “Gushing Fires Campaign: Volleys of missiles target *shabiha* strongholds in pro-Assad regime neighborhoods,” October 9, 2013, video clip, YouTube, <https://www.youtube.com/watch?v=fjYD3SkhbTo> (accessed February 12, 2015).

²⁴⁹ Ayman Mohamad, “The people of the Old City of Homs to the Coalition: We will withdraw because of your delay in lifting the siege,” *Orient news*, October 8, 2013, http://orient-news.net/index.php?page=news_show&id=5653 (accessed February 17, 2015); “Homs: Gushing Fires battle launched against loyalist neighborhoods,” [n.d.], video clip, YouTube, <https://www.youtube.com/watch?v=V79lORNOJqw> (accessed February 12, 2015); “Abu Azzam al-Ansari speaks about Operation Gushing Fires in Homs,” October 6, 2013, video clip, YouTube, <https://www.youtube.com/watch?v=sjVJy4C4bA4> (accessed February 12, 2015).

²⁵⁰ Ibid.

²⁵¹ Ibid.

There are many videos showing the shelling during the campaign, but there is no basis for determining from these videos whether there were military targets and whether any steps were taken by the attackers to minimize civilian loss of life and property. In a video dated October 12, 2013, several groups, including Al-Farooq Brigades in Old Homs, Ahfad Khaled Ibn Al-Walid Brigade, Jabhat al-Nusra, and al-Haq Brigade are purportedly shown using improvised rockets and mortars to shell Homs neighborhoods including al-Zahra, Akrama, al-Nuzha, al-Arman, al-Ashrafiya, al-Mukhtariya, Tisnin, Kinyat Al-A'si, Jaburin, al-Mofakr, and al-Mokhrm as part of the Sab al-Niran campaign.²⁵²

Free Syrian Army

Several videos posted on YouTube purport to show groups from the Free Syrian Army (FSA) shelling the city of Homs. One video appears to show the FSA group Abad Al-Rahman Battalion attacking al-Zahra with mortars on December 15, 2012.²⁵³ Another appears to show the FSA group Ahfad al-Rasoul, shelling *shabiha* positions in al-Zahra with Grad rockets on August 5, 2013.²⁵⁴ A video posted on October 29, 2013 again appears to show the same FSA group shelling *shabiha* strongholds with a Grad rocket.²⁵⁵ On August 2, 2013, the FSA group Abtal/Heroes of al-Qusayr is also shown apparently shelling *shabiha* in al-Zahra with a Grad rocket.²⁵⁶ In videos posted in December 2014 the FSA group Katiba Failaq al-Sham is also shown shelling al-Zahra.²⁵⁷

²⁵²“Gushing Fires Campaign: Mortars of various calibers rain down on loyalist neighborhoods,” October 12, 2013, video clip, YouTube, https://www.youtube.com/watch?v=D546Y_8MNUs (accessed February 12, 2015).

²⁵³ “Pro-regime Zahra neighborhood shelled with mortars in Homs, previous operations, Deir Baalba, Ibad al-Rahman Battalion,” December 15, 2012 video clip, YouTube, <https://www.youtube.com/watch?v=sOyVMkb4sf8> (accessed February 12, 2015).

²⁵⁴ Ahfad Al-Rasoul Brigade, Global Security, <http://www.globalsecurity.org/military/world/para/ahfad-al-rasoul-brigade.htm> (accessed February 17, 2015); “Ahfad al-Rasoul army in Homs flattens *shabiha* strongholds in Zahra and al-Mukharram al-Fawqani with Grad missiles,” [n.d.], video clip, YouTube, https://www.youtube.com/watch?v=1ioq1p9Y_ZE (accessed February 12, 2015).

²⁵⁵ “Ahfad al-Rasoul Brigades in Homs fire Grad missiles at *shabiha* strongholds in Homs 4,” [n.d.], video clip, YouTube, <https://www.youtube.com/watch?v=XJUp9Gig3jg> (accessed February 12, 2015).

²⁵⁶ “Homs: *Shabiha* strongholds in Zahra neighborhood shelled by Abtal al-Qusayr from the Joseh mountains with Grad missiles,” [n.d.], video clip, YouTube, https://www.youtube.com/watch?v=NI_wX2QFO5g (accessed February 12, 2015).

²⁵⁷ “Failaq al-Sham- Aleppo Suburb- The Zahra’ Association and the artillery brigade in Aleppo flattened with a number of C5 rockets,” [n.d.], video clip, YouTube, <https://www.youtube.com/watch?v=9hJD9Gzomjs> (accessed February 18, 2015); “Failaq al-Sham- Aleppo Suburb-Mortars hit al-Assad’s terrorist bastions in al-Zahra,” [n.d.], video clip, YouTube, <https://www.youtube.com/watch?v=hR7hVFMfL94> (accessed February 18, 2015).

Islamic Front

Several videos posted on YouTube purport to show groups from the Islamic Front shelling the city of Homs. The Islamic Front and its member groups have claimed responsibility for shelling Homs.²⁵⁸

For example, Liwa al-Haq (formed August 13, 2012) is seen striking Bab Sba` in a video on November 3, 2013.²⁵⁹ A video also purports to show Kata'ib Al-Huda Al-Islamiya, (July 1, 2011 formation), Liwa al-Haq striking a *shabiha* car in al-Zahra on September 11, 2013.²⁶⁰ Liwa al-Haq, is also seen striking al-Zahra on September 9, 2013, which they refer to as a *shabiha* stronghold, with Grad rockets, they claim in retaliation for government shelling of civilians in al-Waer.²⁶¹ They are shown targeting al-Zahra again with 107 mm rockets in a video posted on July 27, 2013.²⁶² Before that, on September 14, 2013 Liwa al-Haq shelled the city with an improvised rocket allegedly for the shelling in al-Waer.²⁶³ A video posted on April 30, 2014 shows Liwa al-Haq, Katibat al-Ansar using an improvised rocket launcher to shell the city.²⁶⁴ Kata'ib Atbaa Al-Rasul, Liwa al-Haq is also seen striking al-Zahra in

²⁵⁸ "Syrian Islamic Front, Liwa al-Haq: *Shabiha* strongholds in Zahra and Akrama neighborhoods targeted with Grad missiles," April 25, 2013, video clip, YouTube, <https://www.youtube.com/watch?v=2d737wDol6U> (accessed February 12, 2015); "Liwa al-Tawheed, Homs, al-Qusayr: Hezbollah strongholds in the Qusayr area flattened with Grad missiles," [n.d], video clip, YouTube,

https://www.youtube.com/watch?v=WT0YGduFWS4&index=47&list=PLPCoUdeof3T4LhVUu1Kixl_DoMhCqfwNq (accessed February 12, 2015); "Ugarit, the Islamic Front rains Grad missiles on *shabiha* strongholds in the loyalist al-Zahra neighborhood in the city of Homs," [n.d.], video clip, YouTube, <https://www.youtube.com/watch?v=95T09MECoWw> (accessed February 12, 2015); "Liwa al-Tawheed shells al-Assad gangs in Nabel and Nazha with local made rockets," [n.d], video clip, YouTube, <https://www.youtube.com/watch?v=Ga17ArfSvCg> (accessed February 20, 2015).

²⁵⁹ "Commander of Liwa al-Haq with a commander of the Farouq Battalions f4v," August 4, 2012, video clip, YouTube, <https://www.youtube.com/watch?v=QL3jZDtLp8Y> (accessed February 12, 2015); "Statement on the formation of Liwa al-Haq," [n.d], video clip, YouTube, <https://www.youtube.com/watch?v=6f8G7nsRWOY> (accessed February 12, 2015); "Targeting the troop concentrations with 14.5 mm machine guns in Bab Sba` on November 3, 2013," November 3, 2013, video clip, YouTube <https://www.youtube.com/watch?v=gHsmvS6triU> (accessed February 19, 2015).

²⁶⁰ "Kata'ib Al-Huda," Facebook, <https://www.facebook.com/Katibetalhuda> (accessed February 11, 2015); "AlhudaHomsRev," video clip, YouTube, https://www.youtube.com/channel/UCn4gg96BsR_zl1B9ooZbCoWw (accessed February 12, 2015); "al-Huda al-Islamiya Battalions in besieged Homs target a *shabiha* car in the loyalist Zahra neighborhood," September 11, 2013, video clip, YouTube, <https://www.youtube.com/watch?v=2oGhKGofBo4&feature=youtu.be> (accessed February 12, 2015).

²⁶¹ "Syrian Islamic Front, Liwa al-Haq: *Shabiha* strongholds in Zahra and Akrama neighborhoods targeted with Grad missiles," September 9, 2013, video clip, YouTube, <https://www.youtube.com/watch?v=2d737wDol6U&list=UUXe3DL89LgEfanxqqaX-lxg&index=38> (accessed February 12, 2015).

²⁶² "Syrian Islamic Front, Liwa al-Haq: 107 [mm] missiles fired at *shabiha* strongholds in al-Zahra and al-Mazra'a in Homs," [n.d], video clip, YouTube, <https://www.youtube.com/watch?v=uGZwalPkwoo&list=UUXe3DL89LgEfanxqqaX-lxg> (accessed February 12, 2015).

²⁶³ "Homs, Selling of pro-government neighborhood in response to the shelling of the Waer neighborhood with massive civilians presence- Liwa al-Haq," September 14, 2013 video clip, YouTube, <https://www.youtube.com/watch?v=4QpSRQRrE> (accessed March 5, 2015).

²⁶⁴ "Free [Syrian] Army targets regime army positions with Grad missiles in loyalist neighborhoods in the city of Homs," [n.d], video clip, YouTube, <https://www.youtube.com/watch?v=vTfi9nR9ryg> (accessed February 12, 2015).

retaliation for government shelling in al-Waer on April 24, 2013.²⁶⁵ A video posted on April 20, 2014 also shows Ahrar al-Sham, an Islamic Front group, attacking *shabiha* in al-Zahra with a Grad rocket.²⁶⁶

Islamic al-Farouq Brigades

The Islamic al-Farouq Brigades, (formerly al-Farouq Brigades) are shown attacking al-Zahra and al-Nazha March 18, 2013 in cooperation with Liwa ‘ Fajr al-Islam and Kata’ib Bab Amr with a 120mm mortar.²⁶⁷ In a video from April 2, 2013, the group claims to be targeting a *shabiha* building from the Old city of Homs.²⁶⁸ In a July 5, 2013 video, the group says they are shelling “headquarters of the *shabiha*” with mortars from Old Homs.²⁶⁹ In a video from July 31, 2013 members of the groups say they are firing mortars “in response to the bombing of Old Homs and neighborhood al-Waer.”²⁷⁰ .

Jabhat al-Nusra

A video posted on April 25, 2014, purports to show Jabhat al-Nusra shelling Homs, including al-Zahra. The video states that the attack is in retaliation for the shelling of Sunnis.²⁷¹

²⁶⁵ “Kata’ib Atbaa al-Rasul,” Facebook, <https://www.facebook.com/ktaeb.atbaa.alrassol> (accessed February 11, 2015); “Kata’ib Atbaa al-Rasul,” YouTube, <http://www.youtube.com/user/ffefti/videos> (accessed February 12, 2015); “Kata’ib Atbaa al-Rasul,” Twitter, <https://twitter.com/atbaa3> (accessed February 12, 2015).

²⁶⁶ “Ugarit, the Islamic Front rains Grad missiles on *shabiha* strongholds in the loyalist al-Zahra neighborhood in the city of Homs,” [n.d.], video clip, YouTube, <https://www.youtube.com/watch?v=95T09MECoWw> (accessed February 12, 2015).

²⁶⁷ “Farouq Syria,” YouTube, <https://www.youtube.com/user/farouqba>, (accessed February 12, 2015); “The Islamic al-Farouq Brigades,” YouTube, <https://www.youtube.com/user/Alfarouqislamic> (accessed February 12, 2015).

“Shelling of *shabiha* areas, al-Zahra and al-Nazha,” March 18, 2013, video clip, YouTube, <https://www.youtube.com/watch?v=WD6oQGhUJkM> (accessed February 12, 2015).

²⁶⁸ “Al-Farouq Battalions in old Homs target a *shabiha* building,” [n.d.], video clip, YouTube, <https://www.youtube.com/watch?v=JlFnReDfa-A&list=UU2e4XxdkgspHA4eUZ-evUzQ> (accessed February 12, 2015).

²⁶⁹ “Al-Farouq Battalions in old Homs shell *shabiha* positions with mortars,” [n.d.], video clip, YouTube, <https://www.youtube.com/watch?v=tcixfgtWsdU&list=UU2e4XxdkgspHA4eUZ-evUzQ> (accessed February 12, 2015).

²⁷⁰ “Ahfad Khaled Bin Walid Battalions, mortar squadron: In response to Assad gangs’ shelling of neighborhoods of old Homs and the Waer neighborhood,” [n.d.], video clip, YouTube, http://www.youtube.com/watch?v=C9_xL2Hvr28&feature=youtu.be (accessed February 12, 2015).

²⁷¹ “Jabhat al-Nusra in Homs, the visual dispatch, a shelling for a shelling,” [n.d.], video clip, YouTube, https://www.youtube.com/watch?v=kMguW_gb-EQ (accessed February 12, 2015).

Attack on Thabtieh

At approximately 7 a.m. on November 4, 2013, a truck filled with explosives detonated in a suicide attack in Thabtieh, a small village of 4,500 people, killing five civilians, a mother and her four children and injuring approximately 80 (over 50 were sent to the hospital in Homs city).²⁷²

When Human Rights Watch visited the village on November 7, residents were still clearing the debris from the explosion. The large explosion had destroyed at least 10 houses in a hundred meter radius from where the truck had exploded.

The five people killed belonged to the Habib family, whose house was closest to the truck. The father, who survived the attack, told Human Rights Watch that his wife and children had been at home when the explosion caused the walls and ceiling of the house to collapse on them. His wife and four of his children, aged between 1 and 16, were killed in the incident.²⁷³ He told Human Rights Watch:

I heard a low sound, I thought I was dreaming, then I felt the cement shaking, in a fraction of a second I was squeezed in between the rooftop and the floor... I thought it was only my house; I was surprised that I was screaming and nobody was coming for me... [eventually] a man came and pulled out the mattress from under me. When he pulled the mattress I was able to escape. While I was getting out I realized that the small girl [my daughter] that was sleeping next to us died... I didn't want to go to the hospital before I made sure everybody is alright, but they forced me...in the hospital I waited for them to come one after the other, hoping one of them would come in alive. But nobody did. Residents told us that there were no military targets in the village, and Human Rights Watch saw no evidence of any.²⁷⁴

Majed, a 13-year-old boy, told Human Rights Watch, "I was standing at the door of my house with my parents at around 7 a.m. We were just sitting down for breakfast and we heard the explosion. The windows broke, glass fell on our heads."²⁷⁵ A 16-year-old boy who was injured explained, "I was waking up to go to school when we heard the explosion.

²⁷² Human Rights Watch interview with Amjad, Thabtieh, November 7, 2013.

²⁷³ Human Rights Watch interview with the father, Thabtieh, November 7, 2013.

²⁷⁴ For example, Human Rights Watch interview with Jalal, Thabtieh, November 7, 2013.

²⁷⁵ Human Rights Watch interview with Majed, Thabtieh, November 7, 2013.

Glass fell on the floor. The walls collapsed. I was hit by the glass from the window and aluminum and with rocks in the head. There is still some shrapnel stuck in my head.”²⁷⁶

Local residents told Human Rights Watch that they believed that the village had been targeted because the villagers were Shia but were surrounded by Sunni villages.²⁷⁷

Media reports identified the suicide bomber as Abu Musab al-Saudi, a member of Jabhat al-Nusra.²⁷⁸ A video posted on YouTube on June 7, 2013 also shows someone identifying himself as Abu Musab al-Saudi stating that he is ready for the attack in Homs.²⁷⁹ The video and description indicate he is a suicide bomber.

²⁷⁶ Human Rights Watch interview with 16-year-old boy, Thabtieh, November 7, 2013.

²⁷⁷ Human Rights Watch interviews, Thabtieh, November 7, 2013.

²⁷⁸ “Abu Musab al-Saudi blows himself up in Homs, killing and injuring 50 Syrian citizens, *Arab Times*, November 4, 2013, http://www.arabtimes.com/portal/news_display.cfm?Action=&Preview=No&nid=14760&a=1 (accessed February 17, 2015).

²⁷⁹ “The martyr, the hero Abu Musab before going to Homs, we ask God to accept him among the martyrs,” [n.d], video clip, YouTube, <https://www.youtube.com/watch?v=-ydkCJ3uamc> (accessed February 17, 2015).

VI. Applicable International Humanitarian Law

International Humanitarian Law

International humanitarian law, also known as the laws of war, applies to the armed conflict in Syria.²⁸⁰ The law applicable to the fighting in Syria, a non-international (internal) armed conflict, includes article 3 common to the four Geneva Conventions of 1949 (Common Article 3), and customary international humanitarian law.²⁸¹

A fundamental principle of the laws of war is that of the distinction between civilians and combatants. Attacks may not be directed at civilians or civilian objects, only at combatants and other military objectives.²⁸² Combatants include members of armed forces or members of armed groups who are involved in military operations. Civilians only become military objectives and thus subject to attack when and for such time as they are directly participating in the hostilities.²⁸³ Where there is doubt as to whether a person is a civilian or a combatant, that person must be considered a civilian.²⁸⁴

Civilian objects are those that are not considered military objectives.²⁸⁵ Military objectives are combatants and those objects that “by their nature, location, purpose or use, make an

²⁸⁰ For a detailed discussion on applicability of international humanitarian law to the conflict in Syria, see Human Rights Watch, “They Burned My Heart.” The International Committee of Red Cross (ICRC) concluded in July 2012 that the situation in Syria amounts to a non-international armed conflict. See ICRC, “Syria: ICRC and Syrian Arab Red Crescent maintain aid effort amid increased fighting,” July 17, 2012, <http://www.icrc.org/eng/resources/documents/update/2012/syria-update-2012-07-17.htm> (accessed February 2, 2013). International human rights law, including the International Covenant on Civil and Political Rights (ICCPR), also continues to be applicable during armed conflicts. Human rights law guarantees all individuals their fundamental rights, many of which correspond to the protections afforded under international humanitarian law including the prohibition on torture, inhuman and degrading treatment, non-discrimination, and the right to a fair trial for those charged with criminal offenses. It also includes the basic freedom from arbitrary detention.

²⁸¹ See Geneva Conventions of 1949; First Additional Protocol of 1977 to the Geneva Conventions of 1949; Hague Regulations of 1906; International Committee of the Red Cross (ICRC) Henckaerts & Doswald-Beck, eds., *Customary International Humanitarian Law* (Cambridge: Cambridge Univ. Press 2005). While Syria is not a party to the Second Additional Protocol of 1977 to the Geneva Conventions of 1949, which applies to non-international armed conflicts, many of the protocol’s provisions are widely recognized as part of customary international law.

²⁸² ICRC, *Customary International Humanitarian Law*, rule 1, citing Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), of 8 June 1977, arts. 48, 51(2); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), of 8 June 1977, art. 13(2).

²⁸³ See ICRC, *International Humanitarian Law*, rule 6, citing Protocol II, article 13(3).

²⁸⁴ See ICRC, *Customary International Humanitarian Law*, rule 16 (“Each party to the conflict must do everything feasible to verify that targets are military objectives”), citing Protocol I, art. 57(2)(a); 1999 Second Protocol to the 1954 Hague Convention for the Protection of Cultural Property, art. 7.

²⁸⁵ See ICRC, *Customary International Humanitarian Law*, rule 9, citing Protocol I, art. 52(1).

effective contribution to military action and whose total or partial destruction, capture or neutralization, in the circumstances ruling at the time, offers a definite military advantage.”²⁸⁶

In general, the law prohibits direct attacks against what are by their nature civilian objects, such as homes and apartments, places of worship, hospitals, schools, businesses, and cultural monuments, unless they are being used for military purposes.²⁸⁷

Deliberate, indiscriminate, or disproportionate attacks against civilians and civilian objects are prohibited. Attacks are indiscriminate when they are not directed at a specific military objective, or employ a method or means of warfare that cannot be directed at a military objective or whose effects cannot be limited.²⁸⁸

A disproportionate attack is one in which the expected incidental loss of civilian life and damage to civilian objects would be excessive in relation to the concrete and direct military advantage anticipated.²⁸⁹ The expected danger to civilians and civilian objects depends on various factors, including their location (possibly within or near a military objective), the accuracy of the weapons used (depending on the trajectory, the range, environmental factors, the ammunition used, etc.), and the technical skill of the combatants (which can entail random launching of weapons when combatants lack the ability to aim effectively at the intended target).²⁹⁰

In the conduct of military operations, parties to a conflict must take constant care to spare the civilian population and civilian objects from the effects of hostilities.²⁹¹ Parties are required to take precautionary measures with a view to avoiding, and in any event minimizing, incidental loss of civilian life, injury to civilians, and damage to civilian objects.²⁹²

Before conducting an attack, a party to the conflict must do everything feasible to verify that the persons or objects to be attacked are military objectives and not civilians or

²⁸⁶ See ICRC, *Customary International Humanitarian Law*, rule 8, citing Protocol I, art. 52(2).

²⁸⁷ *Ibid.*, rule 8, citing military manuals and official statements.

²⁸⁸ *Ibid.*, rule 12, citing Protocol I, art. 51(4)(a).

²⁸⁹ *Ibid.*, rule 14, citing Protocol I, arts. 51(5)(b) and 57.

²⁹⁰ See ICRC, *Commentary on the Additional Protocols* (Geneva: Martinus Nijhoff Publishers, 1987), p. 684.

²⁹¹ See ICRC, *Customary International Humanitarian Law*, rule 15, citing Protocol I, art. 57(1).

²⁹² *Ibid.*, citing Protocol I, arts. 57(1-2).

civilian objects.²⁹³ In its *Commentary on the Additional Protocols*, the ICRC explains that the requirement to take all “feasible” precautions means, among other things, that those conducting an attack are required to take the steps needed to identify the target as a legitimate military objective “in good time to spare the population as far as possible.”²⁹⁴ They also must take all feasible precautions in the choice of means and methods of warfare to minimize loss of civilian life and property.²⁹⁵

International humanitarian law does not prohibit fighting in urban areas, although the presence of large numbers of civilians place greater obligations on warring parties to take steps to minimize harm to civilians. Forces must avoid locating military objectives within or near densely populated areas, and endeavor to remove civilians from the vicinity of military objectives.²⁹⁶

The unlawful deployment of forces within or near densely populated civilian areas does not however relieve opposing forces from taking into account the risk to civilians when conducting attacks. The obligation to respect international humanitarian law does not depend on reciprocity by belligerent forces.²⁹⁷

Human Rights Watch opposes the use of unguided rockets, car bombs and other explosive weapons with wide-area effect in populated areas as being inevitably indiscriminate. When explosive weapons such as these detonate, they emit a destructive blast wave and metal fragments that have a long and lethal reach. The metal casing of the explosive weapon may also be designed to shatter into uniform pre-formed fragments, which can penetrate the body and rip internal organs.

Some of the attacks carried out against Syrian-government controlled areas seemed designed only to instill fear in the population or be reprisals for unlawful acts committed by Syrian forces. International humanitarian law explicitly prohibits attacks “the primary purpose of which is to spread terror among the civilian population.”²⁹⁸ It also prohibits reprisals.²⁹⁹ The *Commentaries* of the International Committee of the Red Cross on Protocol

²⁹³ *Ibid.*, rule 16, citing Protocol I, art. 57(2)(a).

²⁹⁴ See ICRC, *Commentary on the Additional Protocols*, pp. 681-82.

²⁹⁵ See ICRC, *Customary International Humanitarian Law*, rule 17, citing Protocol I, art. 57(2)(a)(ii).

²⁹⁶ *Ibid.*, rules 22-24.

²⁹⁷ *Ibid.*, rule 140.

²⁹⁸ *Ibid.*, rule 2, citing Protocol I, art. 51(2).

²⁹⁹ Protocol I, art 51 (2).

II and customary international law make clear that these broad prohibitions leave no room for reprisals in a non-international armed conflict, such as in Syria.³⁰⁰

Serious violations of international humanitarian law, when committed with criminal intent, amount to war crimes. Criminal intent requires purposeful or reckless action. Individuals may also be held criminally liable for attempting to commit a war crime, as well as assisting in, facilitating, and aiding or abetting a war crime. Responsibility may also fall on persons ordering, planning, or instigating the commission of a war crime.³⁰¹

Commanders and civilian leaders may be prosecuted for war crimes as a matter of command responsibility when they knew or should have known about the commission of war crimes and took insufficient measures to prevent them or punish those responsible.³⁰²

Under international law, Syria has an obligation to investigate alleged war crimes by its nationals, including members of its armed forces, and prosecute those responsible.³⁰³ War crimes include a wide array of offenses, including mistreatment of persons in custody, and deliberate, indiscriminate, and disproportionate attacks harming civilians.³⁰⁴ When committed as part of a widespread or systematic attack against a civilian population, such offenses constitute crimes against humanity.³⁰⁵

³⁰⁰ See ICRC, *Commentary on the Additional Protocols*, pp. 1372-73, paras. 4530-36; ICRC, *Customary International Humanitarian Law*, rule 148.

³⁰¹ See ICRC, *Customary International Humanitarian Law*, p. 554.

³⁰² See ICRC, *Customary International Humanitarian Law*, rule 153.

³⁰³ See ICRC, *Customary International Humanitarian Law*, rule 158, citing ICC Statute, preamble.

³⁰⁴ See ICRC, *Customary International Humanitarian Law*, rule 156.

³⁰⁵ According to the Appeals Chamber in *Blaskic*: “In light of the customary rules on the issue [Protocol I, arts. 51(2-4), Protocol II, art. 13(2), and the Hague Regulations of 1907, art. 25], the Appeals Chamber holds that attacks in which civilians are targeted, as well as indiscriminate attacks on cities, towns, and villages, may constitute persecutions as a crime against humanity.” International Criminal Tribunal for the former Yugoslavia, *Blaskic* (Appeals Chamber), July 29, 2004, para. 159.

Appendix

Statements and videos from opposition groups taking responsibility for car bombs and other explosive devices in Saida Zainab, Old City and Central Damascus, Jaramana, Mleha and Homs.

DATE	LOCATION	TYPE OF ATTACK	GROUP	STATEMENT LINK, PLUS OTHER RELEVANT LINKS (NB: most statements contain videos)
May 25, 2014	Homs (al-Zahra)	Car bomb (2)	Jabhat al-Nusra	http://justpaste.it/flx3
April 29, 2014	Homs (Abbasiya)	Car bomb (2)	Jabhat al-Nusra	http://www.arahmah.com/arabic/486-jbht-an-nsrt-asthdaf-tjmat-ash-shbyht-bsyartyn-mfkhkhtyn-hy-al-basyt-hms.html
April 10, 2014	Homs (al-Gharzali)	Car bomb	Jabhat al-Nusra	http://justpaste.it/f351
April 9, 2014	Homs (Karm al-Louz)	Car bomb (2)	Jabhat al-Nusra	http://justpaste.it/f1rq
March 17, 2014	Homs (al-Zahra)	Car bomb	Jabhat al-Nusra	http://justpaste.it/ev1u
October 24, 2013	Homs	Car bomb	Jabhat al-Nusra	http://www.hanein.info/vb/showthread.php?t=334995
October 19, 2013	Jaramana	Car bomb	Jabhat al-Nusra	http://www.syrianarmyfree.com/vb/showthread.php?t=57054
July 25, 2013	Jaramana	Car bomb	ISIS	https://www.youtube.com/watch?v=cWPumufDas
April 22, 2013	Damascus Old City (Bab al-Salam)	Explosion (doesn't specify kind)	Burkan al-Sham	Video statement: https://www.youtube.com/watch?v=t_OUJmmf4zo&feature=youtu.be
March 29, 2013	Sayida Zeinab	Explosive devices	Jabhat al-Nusra	http://www.syrianarmyfree.com/vb/archive/index.php/t-37088-p-2.html
March 20, 2013	Sayida Zeinab	Explosive devices	Jabhat al-Nusra	http://www.syrianarmyfree.com/vb/archive/index.php/t-37088-p-2.html
March 8, 2013 – March 14, 2013	Sayida Zeinab	Car bomb and other explosive devices	Jabhat al-Nusra	http://www.hanein.info/vb/showthread.php?t=318396

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الغلاف الخلفي: صاحب محلّ تجاري مصاب بجروح على إثر انفجار سيارة مفخخة في 24 أكتوبر/تشرين الأول 2013 في حمص، ما تسبب في مقتل ما لا يقل عن ثلاثة أشخاص وإصابة عشرات الآخرين بجروح. أعلنت جبهة النصرة مسؤوليتها عن الهجوم.
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الغلاف الأمامي: موقع انفجار سيارة مفخخة في حي العباسية في حمص؛ 29 أبريل/نيسان 2014.
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قامت جماعات المعارضة المسلحة في سوريا بشن هجمات عشوائية بالسيارات المفخخة وقذائف الهاون والصواريخ التي راح ضحيتها مئات المدنيين في مناطق ذات كثافة سكانية مرتفعة خاضعة لسيطرة الحكومة في دمشق وحمص.

يستعرض تقرير "ما كان يجب أن يُقتل" الهجمات غير القانونية التي شنّها المتمردون في الفترة الممتدة من يناير/كانون الثاني 2012 إلى أبريل/نيسان 2014، والتي أجرت فيها هيومن رايتس ووتش تحقيقات ميدانية. جرت التفجيرات بالسيارات المفخخة في مناطق تجارية وسكنية وفي مراكز المدن. قال شهود في الحالات التي شملتها التحقيقات إنه لم تكن توجد أي أهداف عسكرية قرب الأماكن التي وقعت فيها التفجيرات. أعلنت كلّ من جبهة النصرة وتنظيم الدولة الإسلامية (المعروف أيضا بـ داعش) مسؤوليتهما عن بعض الهجمات، ولكن لم يتبنى أي طرف معظم الهجمات الأخرى.

كما قامت جماعات المعارضة المسلحة بإطلاق قذائف هاون وصواريخ محلية الصنع وقذائف مدفعية أخرى على دمشق وريفها وحمص في هجمات عشوائية تسببت في سقوط العديد من الضحايا المدنيين. استهدفت هذه الهجمات مدارس أو أماكن قريبة منها، ومراكز إيواء، وأماكن دينية، ومناطق تجارية وسكنية.

حاولت المجموعات المتمردة تبرير هذه الهجمات بالانتهاكات التي ترتكبها الحكومة السورية، وقالت إن الهجمات التي تستهدف الأقليات الدينية في المناطق الخاضعة لسيطرة الحكومة هي انتقام من الهجمات التي تستهدف المدنيين في مناطق المعارضة. تُعتبر هذه التبريرات مخالفة لقوانين الحرب.

تدعو هيومن رايتس ووتش جميع أطراف النزاع إلى الكف الفوري عن شن أي هجمات متعمدة وعشوائية وغير متناسبة على المدنيين، وتدعو مجلس الأمن في الأمم المتحدة إلى إحالة الملف السوري إلى المحكمة الجنائية الدولية وفرض حظر للأسلحة على القوات المتورطة في ارتكاب انتهاكات واسعة وممنهجة لحقوق الإنسان.